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A Moral Justification for Universal Human Rights: Connecting Two Traditions on the Principle of Human Dignity

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A Moral Justification for Universal Human Rights: Connecting Two Traditions on the Principle of Human Dignity

Abstract
The Universal Declaration of Human Rights entails the understanding of universality and suggests a worldwide scope of its legitimacy. The concept of human rights as outlined in the UDHR, increasingly proves to be pragmatically challenging in today’s 21st century globalized world, particularly in the light of emerging Eastern powers, such as China. I am arguing that the political framework is not enough to support a universal justification for human rights and the legitimacy of the UDHR. Therefore, as an alternative, I am providing a constructive framework that is independent from cultural and sociopolitical influences. The main purpose here is to solve the intellectual challenges concerning the fundamental basis for human rights in order to strengthening the universal validity of the UDHR. This is a moral justification for universal human rights that attempts to bridge the divide between Western and Eastern traditions on the idea of human dignity, in ways that will ultimately provide for a better foundation to solve difficult human rights issues in practice.

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LAKE FOREST COLLEGE

Senior Thesis

A Moral Justification for Universal Human Rights: Connecting Two Traditions on the Principle of Human Dignity

by

Jeanette Trang

April 23, 2015

The report of the investigation undertaken as a Senior Thesis, to carry two courses of credit in the International Relations and the Independent Scholar Programs

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Abstract

The Universal Declaration of Human Rights entails the understanding of universality and suggests a worldwide scope of its legitimacy. The concept of human rights as outlined in the UDHR, increasingly proves to be pragmatically challenging in today’s 21st century globalized world, particularly in the light of emerging Eastern powers, such as China. I am arguing that the political framework is not enough to support a universal justification for human rights and the legitimacy of the UDHR. Therefore, as an alternative, I am providing a constructive framework that is independent from cultural and sociopolitical influences. The main purpose here is to solve the intellectual challenges concerning the fundamental basis for human rights in order to strengthening the universal validity of the UDHR. This is a moral justification for universal human rights that attempts to bridge the divide between Western and Eastern traditions on the idea of human dignity, in ways that will ultimately provide for a better foundation to solve difficult human rights issues in practice.
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Dedication

To my grandmother for her endless compassion and wisdom.
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INTRODUCTION

**Question and Thesis**

Why is the current justification for universal human rights and UDHR not enough, and how can we strengthen the justification for universal human rights in a way that can be universally agreed upon?

The objective is to solve the intellectual challenges concerning the fundamental basis for human rights by bridging the divide between Western and Eastern traditions on the idea of human dignity, in ways that will strengthen the universal validity of the UDHR.

The current human rights debate is too muddled by factors of sociopolitical and cultural relativity. There is no agreed upon complete universal justification of human rights. The reason is because the contemporary human rights discussion is based on a framework of relative factors (e.g. historical changes in world power, globalizations, culture, religion, etc.). Using this “political” framework for justifying universal human rights will naturally give rise to numerous disagreements on human rights. Therefore, these ways of thinking will never result in a strong and absolute imperative where universal human rights are justified. Consequently, the UDHR still needs a universal justification for why these rights exist. Thus, with unsolved issues, disagreements, and conflicts in the world dignity and rights continue to be violated.

The current account of human rights and the role of the UDHR do not explain why we have these rights. Thus, the universal justification for UDHR needs to be strengthened and also become more comprehensive in the sense that it can be agreed upon by everybody. The political framework for justifying human rights is not enough because it is muddled by political, social, and cultural factors.

A moral justification for universal human rights is imperative to finding ways that will ultimately provide for a better foundation to solve difficult human rights issues in practice. Therefore, we need to use a philosophical framework to ground the human rights justification on a basis that is truly fundamental, and demonstrate ways in which conflicting traditions can connect upon, such as the vision of human dignity. This principle of dignity is a precondition for human rights. Human dignity is universal across all cultures and equal for all individuals. More awareness and recognition of this innate value can lead to greater reconciliation between Eastern and Western traditions. Only with better understanding of our own and of others’ fundamental values and the rights that follow can we reach a more peaceful world with less suffering. In light of this, we can also start to see a universal emergence of international human rights in an evolutionary sense.

**Method and Outline**

This is an interdisciplinary study with background in International Relations and Chinese Studies. Due to the nature of human rights and the UDHR this thesis is largely addressed from a philosophical framework. In addition to the theoretical section on human rights, I have also in the international relations section included a qualitative case study on China and human rights.
There are three major chapters: First chapter on “The Political Discourse Is Not Enough” addresses the UDHR and the sense of universality that is presented there by looking at the underlying philosophical (moral) visions versus political (Donnelly), discussing the UDHR’s principle of universality, and addressing the legitimacy and authority of this principle. In order to remove biases in subjective moral claims and power plays, the UDHR needs to be addressed from a different perspective, thus changing the debate from a political discourse to a philosophical discourse. This chapter includes literature review on UDHR discussions, and Jack Donnelly on *Universal Human Rights in Theory and Practice* (2013).

Chapter two on “Two Traditions” is a philosophical discourse on (human) rights, looking at the vision of morality, and fundamental moral rights by removing all sociocultural and political factors. This chapter covers literature from both Eastern and Western philosophical thought. Discussing fundamental rights, the vision of rights rooted in the traditional foundations of the West (individualistic vision) and the East (communal vision), and contemporary moral rights theorists. The literature review on the Western section includes the writings by John Locke and *The Second Treatise of Government* (2002), Immanuel Kant on *The Metaphysics of Morals* (1993), and Alan Gewirth on *Human Rights: Essays on Justification and Application* (1982), *The Community of Rights* (1996), and *Reason and Morality* (1978). The Eastern section includes teachings of Confucius as outlined in *The Analects* (1979), the teachings of Mencius (2004), Buddhism, and Neo-Confucianism. Chapter two also covers some recent literature on human dignity including scholars such as, George Kateb, Mark P. Lagon, and Anthony Clark Arend.

Chapter three on “Human Rights in IR Debates” reevaluates the UDHR principle of universal legitimacy in light of the philosophical discourse, and makes applications to the IR and Political Debates. This chapter links the philosophical debate (individual rights v communal) to political, economic and social issues and to the applicability to UDHR. This chapter covers an of topics, such as, human rights and Sino-Tibetan relations.
Chapter 1

THE POLITICAL DISCOURSE IS NOT ENOUGH

Need to Return to the Moral Discussion for a Constructive Framework for Justifying Universal Human Rights and the Legitimacy of Universal Declaration of Human Rights

The purpose of this chapter is to highlight the problems and fallacies of the current justification for human rights and the legitimacy of the Universal Declaration of Human Rights, and to demonstrate that the political framework for human rights is not enough. This section addresses the foundations for UDHR and the sense of universality that is presented there by looking specifically at the underlying philosophical, i.e. moral visions of human rights versus the political discourse on human rights. In this discussion I will draw upon literature on UDHR discussions and Jack Donnelly on Universal Human Rights in Theory and Practice (2013).

Chapter 1.1

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The year 1948 marked a new historical era with the adoption of The Universal Declaration of Human Rights (UDHR). The Declaration was adopted by the United Nations General Assembly at the Palais de Chaillot, in Paris. A year later it was ratified in the same venue on 16 December 1949. The Declaration emerged after a series of wars, human conflicts, and barbarous acts throughout history. It was the direct experiences of the Second World War, as the single greatest human atrocity in mankind, which sparked the development of a universal declaration of human rights. The UDHR is the first declaration that outlines certain basic rights that all inherently entitled to human beings. Historically it is also the first declaration in its nature expressed in an omniscient form, in the simple sense of the declaration’s foundational establishment, the overall incorporation of moral visions in its content, and the aspiration of universal application.

The proclamation of the UDHR asserts a very basic notion of human rights and suggests a universal scope in its foundation, content, and application. The Declaration fosters a universal degree of moral righteousness. The universality of the Declaration carries over to the notion of human rights and insinuates an understanding of universal human rights.2 The UDHR and the notion of human rights carry the sense of universal justification in its foundations and current legitimacy. Especially in the 21st century globalized world, Human Rights as a principle is becoming increasingly more pertinent in international discussions, as well as in domestic politics and internal affairs. Since the establishment of the UDHR there have been many debates on the topic of human rights concerning its notion of universality,3 just establishment, and the extent of its moral

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1 “Basic notion” in the sense that there are various visions of human rights. Various visions of morality and of humanity that conflicts with each other in their fundamental principles and values.
2 “Human rights” itself can be particular subjective, and not necessary universal.
3 The term “universality” is referred to and used in an array of meanings in the human rights discourse.
authority. Some of the most central and recurring issues in this debate are about the fundamental moral grounds for universal legitimacy, addressing what are the fundamental sources of human rights, and what ought to be defined in and included as universal human rights. The United Nations General Assembly agreed upon the Universal Declaration of Human Rights on December 10, 1948. The preamble of this declaration states that:

THE GENERAL ASSEMBLY proclaims [THE] UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.4

The concept of human rights, its nature, content, and justification is important to examine. Human rights are understood from the United Nations Declaration of Human Rights as rights that are inalienable and fundamental to every human being. “[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world… faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.”5 But the notion of rights is an equally subjective value judgment as love and happiness.

The UDHR is a descriptive document that was enacted in a political context. It is highly conceptual and criterial, reason based, and has few elements of prescriptive justificatory basis of human (moral) rights. The UDHR is based on positive law as it is socially entitled and enforced, which can prove to be problematic in the sense that it gives rise to the issue of conflicting moral bases and principles. Thus, this leads to the questioning of the declarations validity and its notion of universality, and also causes problems in applicatory scenarios, interpretations, issues of legal enforcement and justifying moral and political actions.

There are impediments in carrying out human rights in the developing world, because in economic difficulties human rights are the first variable to be sacrificed before any other. This needs to be acknowledged in a human rights discourse along with the relativeness in fundamental values. The West (i.e. the United States) perceives the world as the ‘rule of law,’ while in developing countries the notion of ‘rule of man’ is perceived. However, many developing countries have followed the Western way. This is due to authoritarian status-quoism. Non-democratic regimes are forced to support the universal declaration of human rights out of political and economic necessity, but this does not mean that countries will fully accept and abide by the universal declaration.

4 Extract from United Nations’s official webpage of the Universal Declaration of Human Rights: UDHR
5 Extract from the United Nation’s official webpage of the Universal Declaration of Human Rights: UDHR
Srini Sitaraman argues that there are five issues with the human rights regime that keep states from being fully accountable for any violations of the Universal Declaration of Human Rights. (1) The human rights regime is just a covenant and lack enforcement of its regulations, (2) Enforcement exists among powerful member states to uphold justice, thus why the moral preaching of human rights philosophy, when justice can be enforced? (3) There is a certain bias in the shaping and defining the parameters of the norms of human rights, (4) Previous historical examples prove that human rights have been justified in particular instances subject to power aspirations, (5) It is a moral body with bias that can alter a state’s fundamental governance. All these issues mentioned address the regulation and governance of the regime of human rights. However there are deeper problems for the Universal Declaration of Human Rights. These are disputes in fundamental values of rule, path of development, and moral judgment.

Certainly when discussing the UDHR’s principle of universality it is important to emphasize that human rights is yet a relatively new concept, and that it is an ongoing debate as well as a developing practice. Also, when debating the universal legitimacy of the UDHR and human rights it is important to distinguish between the political and the philosophical justifications. This UDHR is in principle a political declaration and consequently has to some extent particular cultural and political influences. As a result, this inclination muddles the conversation in establishing fundamental moral grounds of human rights. In order to remove these biases in subjective moral claims and power plays it is important to first address the debate on fundamental moral visions before embarking on a political discourse with particular moral visions.

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6 Srini Sitaraman is a professor in the Program in Arms Control, Disarmament and International Security, at University of Illinois Urbana-Champaign.
Chapter 1.2

JACK DONNELLY ON HUMAN RIGHTS

Jack Donnelly is one of the more prominent scholars on human rights. He has published books and written many articles that have contributed significantly to the human rights discourse. In his well-known book, *Universal Human Rights in Theory and Practice*, he argues for human rights as inherent rights which all human beings possess. He notes in his introduction that “[t]his book aims to explicate and defend an account on human rights as universal rights” and his main argument for this basis is Human Dignity. The meaning of human dignity indicates the worth of human beings that demands respect. The underlying vision of a life of dignity is also the fundamental source of human rights. In short, Donnelly’s argument for human dignity is that a man’s moral nature of ascertainable needs and capabilities are grounds for human rights and as such, human dignity applies to all members of the society of human beings.

In justifying human dignity as the foundational concept of international human rights, Donnelly gives numerous historical examples of where a universal consensus on human dignity has been demonstrated. Examples such as the 1996 International Human Rights Covenants, The Vienna Declaration of the 1992 World Conference on Human Rights, the Universal Declaration of Human Rights, and traced back to the establishment of the United Nations itself. All of these events and their subsequent declarations recognize the inherent dignity and the inalienable rights of all members of the human race. As noted by Donnelly these documents and legal instruments do not provide an explicit definition for human dignity of the human person, and it is unclear as how human dignity gives rise to grounds for human rights. Rather, Donnelly is suggesting that there is an intuitive understanding to the intrinsic meaning of human dignity, and a violation of this intrinsic value can be recognized even if its principles are not clearly defined. This insinuation of an intuitive understanding for human dignity can be noted in current grasp of human rights, however it is not clear on what principles this understanding rest. This is important especially since Donnelly uses the idea of human dignity as a core argument and foundational premise for universal human rights. In doing so, he must also account for the ambiguous parts of the human dignity debate, and connected philosophical, cultural, and religious discussions on the source of dignity. This fundamental discourse is tedious and very much conceptual, however is bound to emerge and is necessary to address when using the moral concept of “human dignity” in a comprehensive human rights discourse.

Donnelly’s emphasize of human dignity implicitly implies equal human dignity. In his argument that all human beings have human dignity there is an underlying assumption that equal human dignity is also provided. There ought to be equal human dignity for all human beings, given the sense of universality in which Donnelly provides
the concept of human dignity. Although Donnelly provides a familiar justification for human rights given man’s intrinsic value of human dignity, he does not make a case, if any, for equal human dignity. Equality is implicit in Donnelly’s discussion of human dignity and human rights. But the case for it is not sufficiently developed. It not clear how his brief account of human dignity gets him to the equal universal rights outlined in UDHR. For Donnelly such a philosophical basis is not likely to emerge, given his view on the muddled philosophical debates. It would seem then that Donnelly accounts for universal human rights by relying solely on the practical consensus.\textsuperscript{12}

Donnelly does not provide a full philosophical justification for human rights. In his discussion of \textit{The Concept of Human Rights} he clearly articulates “human rights claims rest on prior moral (and international legal) entitlement”\textsuperscript{13} and in which he specifically use moral groundings as an argument for his case.\textsuperscript{14} Donnelly only recognizes human dignity and then quickly moves to the focus on the practical consensus. But ratification of the UDHR alone does not go as far as Donnelly wants. It is important to point out that Donnelly clearly proclaims that the philosophical discourse is not productive in the human rights discourse, and i.e. arguing for universal human rights—even though, Donnelly often resorts to using philosophical basis and workings in justifying his arguments. From this it would seem then that Donnelly’s debates are too muddled, and at times contradictory, and that his debates will not settle key issues in human rights discourse. Let me illustrate this point below.

Donnelly acknowledges that the concept of human dignity is culturally subjective and historically contingent upon the time and place when a particular moral vision is being practiced. He also highlights the “immense philosophical problems in grounding a conception of human dignity and deriving a list from it”\textsuperscript{15} and therefore dismisses these philosophical approaches to universal human rights as a “vague quasi-foundational appeal.”\textsuperscript{16} This is interesting because Donnelly’s main argument for universal human rights is based on the sole principle of human dignity. It cannot be denied that human dignity is a moral disposition and which can only be fully accounted for by means of philosophical discourses. Donnelly’s efforts to establish a new conceptual framework, without philosophical foundations, to justify universal human rights requires a more substantial discussion on the moral groundings for human dignity and rights. This is important, because besides the general moral vision accounted by Donnelly, there are many other different and far more complicated moral visions, which sometimes conflicts with another vision of morality, such as the Western and Eastern moral visions of human rights.

Furthermore, the principle of universality must be accounted for in justifying universal human rights. Donnelly’s disregard and dismissal of the philosophical debate on foundational appeals raises some concerns to fully justifying the \textit{universality}\textsuperscript{17} of human rights. Given that Donnelly’s main argument is based on human dignity: one must argue that human dignity is indeed universal, as well as attempt to solve the philosophical

\textsuperscript{12} Practical Consensus: I will address this in a later section covering the political discourse on human rights.
\textsuperscript{13} Ibid., 12.
\textsuperscript{14} See Ch. 2.3 for example on the case of “Starvation.”
\textsuperscript{15} Ibid., 29.
\textsuperscript{16} Ibid., 29.
\textsuperscript{17} Universality: as in interdependence, indivisibility, equality, and non-discrimination.
conflicts on the notion of rights, i.e. moral rights, as these are based on its particular moral vision. Let us look at how Donnelly accounts for universal human rights.

The first part of “Universal Human Rights In Theory and Practice” covers the concept of human rights. In this part, Donnelly provides a general account on the various aspects of human rights discourse. He outlines a general basis for human rights, which is the following:

(1) The source of human rights is a man’s moral nature.
(2) Human rights are needed not for life but for a life of dignity, and a life worthy of a human being.
(3) Human rights are based on a fundamental account of human dignity.  

This complex relationship between human rights and human nature outlined by Donnelly is very important. In the first case, because this clearly states that the source of human rights is based on a man’s moral nature and this would imply the man’s vision of moral nature. Second, since human beings have dignity they also have human rights. Finally, since human dignity implies equal human dignity, similarly human rights ought to imply equal human rights—universal human rights.

Given these links and implicit relationships between the fundamental moral vision(s) of rights and universal human rights, it is especially important that all human rights theorists must acknowledge and substantially address the various existing and conflicting fundamental moral visions of human nature and rights. And before embarking on outlining points of human rights in a universal scope, try to settle the underlying philosophical issues in hope of finding a fundamental moral ground that is truly universal in nature. Otherwise, as in the case of Donnelly, the account for universal human rights will be based on an incomplete and weak foundational framework that does not solve fundamental issues in the human rights discourse.

Donnelly’s arguments for universal human rights ultimately rely on normative and political consensus. It is necessary to point out that a significant part in the justification for universal human rights is lost, when the substantive input of the philosophical discourse on human nature and moral rights is dismissed. On Donnelly’s account on dismissal of the philosophical appeals, he argues that “[i]f we were faced with an array of competing and contradictory lists of human rights clamoring for either philosophical or political attention, failure to defend a particular theory of human nature might be a serious shorthcoming.”  

Paradoxically, as Donnelly dismisses the foundational and philosophical debates on human rights as well as other conceptual frameworks, he uses this dismissal as a benchmark for embarking on his own “conceptual theory” in sketching a theory of universal human rights.

Donnelly’s theory for universal human rights relies on a conceptual framework and on normative and political consensus, i.e. the UDHR. My concern is that this is a weak consensus because there are too many disagreements of the UDHR’s meaning and application. The original conception of the UDHR in its establishment purpose was to serve as a mere statement and not to put demands on nations. Yet, acknowledging that there have been small additions and changes to the UDHR to meet new developments of human rights, one of the major criticisms of a universal theory of human rights and the

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18 Ibid., 15.
19 Ibid., 18.
UDHR is that the fundamental moral disagreements are not solved. Because of this very reason there are challenges in the political debates and practical applications for universal human rights. This also provides difficulties and challenges in the political and practical debates—which leads back to philosophical discourse.
Moral issues relating to the UDHR and human rights are of interest not only to philosophers, but also to other academic disciplines, such as political scientists, theologians, and anthropologists, to government officials and agencies, and human rights activists and advocates. It is necessary to recognize that there is still no established agreement on a universal moral vision, or universal moral groundings for human dignity and rights. There are various differences and conflicts between Western and Eastern visions of moral rights. And significant contributions can be made to the cause of human rights in the philosophical discourse by means of adding to the conversation on (equal) human dignity, and looking at human dignity across traditions. Therefore, it is necessary to shift the conversation from a political to a philosophical discourse. This is because the foundational groundings of vision of morality must be addressed before moving into the human rights discussion—and with the intentions of sorting out the fundamental moral groundings and to provide a stronger consensus for the cause of universal human rights on a practical level.

There is a general conception of a clear distinction in Eastern and Western beliefs, culture, history, tradition and values. The Chinese way of living is largely influenced by Confucius, while evangelical Christianity largely influences the United States. By characterizing these countries, China values communitarianism while the United States values individualism. These normative values, group versus individual, us versus me, change the perspective, from which we look at our society and others. These also form the foundation for ways of governance and political ideology. China leans more toward socialism while the United States focuses on capitalism. As a result these fundamental values determine whether we value economic and cultural rights versus civil and political rights as our inalienable rights. Indeed this is a pressing issue that cannot be solved only by looking at justifications from antiquity and history. Instead we need to establish the basis and contents of human rights by first solving the philosophical and theoretical underpinnings, then essentially validating these on the basis of their applicability to experience.

The political justification is not enough for universal human rights claims. At bottom, “the idea of human rights is a moral one. It becomes a legal and political idea only because of its supreme moral importance.” In this sense human rights obligations must derive from some moral basis that is not only criterial but also prescriptive. This criteria needs to be in the form of a “valid moral criteria or principles that justify that all humans, quasi-humans, have rights and hence also have correlative duties.” A comprehensive philosophical justification for human rights is needed, in the sense that it is: (1) based on a very fundamental idea, such as the idea of dignity and (2) is universal across different cultures and traditions. Central tensions in contemporary human rights discourse often attend to the conflict between rights versus duties, negative versus positive freedoms, and community versus individual rights. And as long as we have

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21 Ibid., 42.
these clear distinctions of dichotomous values and a very constrained framework of thinking, it is difficult to move beyond these tensions in order to justify the universality of human rights.

Thus, in the next chapter I will try to bridge two traditions, by viewing individual and community on rights as correlative rather than purely dichotomist. As such, we must also restructure the antithesis of “East” and “West,” in how we perceive our culture, political ideologies and rules, government, philosophy, value systems, society models, family structures, history, geography, wealth, pride, dominant symbolic countries (e.g. the United States and China). The aim is to show that there is actually more in common between Eastern and Western traditions than the stereotypical antithesis. Although the contemporary human rights discussion today carries a moral tone of Western thought with the emphasis on rights and individualism, we can in fact start to see indications of a shift in the human rights debate, where we can see ways in the Western vision of ethics that it is moving toward a greater reconciliation with Eastern thought.
Chapter 2

AN ALTERNATIVE OUTLOOK: JUSTIFYING UNIVERSAL HUMAN RIGHTS

Bridging Eastern and Western Traditions on a Moral Vision of Human Dignity

This chapter is a philosophical discourse that provides a constructive framework for discussing the basic justifications for human rights. The purpose here is not to take side on whether Western or Eastern conceptions of human rights is better, but rather to make a provisional case based on bridging Eastern and Western traditions on a shared basis of dignity. The current human rights debate is too muddled by factors of sociopolitical and cultural relativity. There is no agreed upon complete universal justification of human rights. The reason is because the contemporary human rights discussion is based on a framework of relative factors (e.g. historical changes in world power, globalizations, culture, religion, etc.). Using this “political” framework for justifying universal human rights will naturally give rise to numerous disagreements on human rights. Therefore, these ways of thinking will never result in a strong and absolute imperative where universal human rights are justified.

There are several examples of recurring common issues in the contemporary human rights debate. This includes topics such as the: Western versus Eastern Human Rights Paradigm; Individual versus Community Rights and Values; Positive versus Negative Rights and Freedom; Cultural versus Universal Moral Values; Cultural Relativism versus Universal Human Rights; Reason versus Emotion, and; Rights versus Duties. These recurring conflicts are challenges to the progression of human rights. Thus, it is essential that we solve these tensions by means of recognizing a universal nature of man. This is human dignity. We need to acknowledge this fundamental moral basis of human dignity before we start conceptualizing human rights. Only then, can we hope to arrive at a universal imperative that justifies universal human rights.

Significant contributions to the contemporary human rights discourse can be made to the cause of human rights by adding new understandings to the conversation. In studying human dignity, equal human dignity, and human dignity across cultural traditions, the hope is to strengthen the justification for universal human rights by finding its most fundamental moral grounding, established not simply on a conceptual consensus, but on our humanity.

Why ought we talk about human dignity? What are human rights? What justifies human rights? These questions are difficult to answer, and more difficult in providing a universal justification for such answer. These disagreements on human rights exists because of various reasons, such as: (1) political reasons—human rights are used as a political tool, and (2) cultural factors—religion, history, anthropology. We need to find a solution to the issue. We need to find a universal justification for human rights that is neutral, universal, basis for morality. The principle of human dignity is essential to the human rights discourse. It is a very fundamental premise for rights. This notion is also universal in the sense that is exists across time, space, cultures, etc.

22 All of these juxtapose debates are in fact based on the same foundation of “human dignity” and they can be bridged as in mutual relationships.
This is an important discussion as the purpose of this section is to provide an alternative view in justifying universal human rights. I am looking at the vision of morality and on the fundamental morality of mankind by removing all sociocultural and political factors. This alternative view is significant because it provides a philosophical justification for fundamental human dignity that is absent from all cultural establishments. I will try to achieve this purpose by the means of developing one shared ground that is a very fundamental principle, which exist across two juxtaposing traditions, viz. Western and Eastern moral thought. This is the principle of Human Dignity. By establishing a common moral ground across different traditions we can make a strong justification for universal human rights.

In trying to solve the philosophical underpinnings of the human rights discourse we also ought to look at both negative and positive rights across traditions. In particular, how negative and positive rights can be mutually inclusive in terms of the relationship between communities and individual. By bridging positive and negative rights, I am essentially trying to provide a philosophical justification for fundamental human dignity pre-cultural establishment—and adding to the principle of human dignity as a universal idea, and not just Western.

In order to demonstrate the universal scope of human dignity, first I will need to outline the idea of human dignity, by looking at Western and Eastern thought and drawing out the underlying elements of human dignity. I will try to show that human dignity has always existed: that human dignity is a natural reality, and that we do not need social institutions to assert the justification of human dignity. This will be the underlying foundation for universal human rights. Then I will attempt to demonstrate that human dignity is not a relative concept but in fact that there is a common ground of human dignity, by making connections between Western and Eastern traditions in comparing important thinkers and their most notable ideas in each cultural history. Lastly, through bridging two traditions I am bringing together Western and Eastern thought on the basis of a common moral principle that will strengthen the universal justification for human rights, which ought to be grounded in human dignity. In doing so, we need to understand the relationship of correlative duties: how Western and Eastern traditions are not confined to the favoring of either positive or negative rights, but in fact positive and negative rights are connected in a mutual relationship. Thus, in discussing universal human rights, Western and Eastern nations argument of favoritism of either positive or negative rights would be of less significance since they are now established as having equal importance relying on a common relationship of correlative duties.23

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23 Similar to the logic of bridging two traditions on human dignity. See Ch. 2.3.
Chapter 2.1

WESTERN THOUGHT

Generally, the methods used in the Western tradition follow deductive reasoning, rule of law, or monotheism. Trends in Western thought often refer to notions of individualism, agency, capacity, and reason. Beyond this general consensus of Western thought there are also conflicts within the tradition itself, in particular for this discussion, there are disagreements in the “rights” discussion of Western moral thought. For example, in terms of discussing “fundamental” right(s), conflicts are centered on discussions of negative versus positive rights/ freedoms, and physical security versus subsistence. In terms of how one ought to act, moral discussion tends to be centered on a discussion of means versus ends outlooks on rights and duties. Other examples of conflicting Western moral thoughts include: deontology versus consequentialism, utilitarian versus prudential ethics, general welfare versus liberty, et.al.

Much of the Western moral tradition seems to be focused on the notion of “rights.” In the more contemporary era, major Western thoughts and principles concerning moral rights have been developed through the writings of John Locke, Immanuel Kant, Alan Gewirth, et. al. We can see patterns of an evolution of the rights discussion, such as, moving from natural rights to human rights. What I intend to demonstrate here is that the development of (moral/human) rights is essentially based on the fundamental nature of human dignity. I consider that this notion of human dignity has always been there as an innate value of humanity, and only that there have been different definitions and description of this quality which have brought about major conflicts in the human rights discussion.

I have chosen to use only primary sources and texts to highlight three prominent theorists in the Western tradition, namely, Locke, Kant, and Gewirth. I am starting the discussion with Locke, as his rights theory has often been regarded as the starting point for the formation of the human rights discussion. Then I will turn to discuss Kant’s moral theory as he is often considered as the first to articulate moral rights, and also because he highlights the notion of human worth and dignity. Lastly, I have chosen to highlight Gewirth and his writings on the basis and contents of human rights, as here we can see some attempts to move from the typical individual-rights discussion towards a more communal and integrated understanding of rights.

JOHN LOCKE ON RIGHTS

The Second Treatise of Government, written by John Locke, is one of the most important political manifestos for contemporary politics. His theory is derived from refuting the premises for power based on divine right of kings, and Hobbesian theories of absolutist government, i.e. Leviathan. Locke favors government that is ultimately based on the sovereignty of the people. In contrary to prior theorists, Locke argued for nature as the source for individual power and right. This first formulation that all men are by nature free, equal, and independent, is the source of Western thought and articulation of rights.
Locke describes a condition of man in what he formulates to be the state of nature. In state of nature we have equal capacities in getting basic things and necessities like food, water, and shelter. In this state “men being once born have a right to their preservation, and consequently to meat and drink and such other things as nature affords for their subsistence...”24 In this state, all men are free, but this is a different notion of freedom. There is liberty, but we must live within the laws—the laws of nature. Unless your self-preservation comes into account you have a duty to respect others’ rights. Since we have reason, we can by ourselves discover and implement the laws of nature. The state of nature is governed by natural laws (and not God’s Law or Human Law) in which “obliges every one; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”25 In this state we lack the system of support in how to solve issues. Therefore we decide to engage in a civil society and shift to a political society. But we retain the fundamental law of self-preservation.

Right of self-preservation is the most fundamental right of man. Locke described this as man’s natural right given by natural law. The right of self-preservation means the right of life. This right of all must be preserved and may not be violated, taken away, or in some way impair man’s life, liberty, and goods. The only exception is when one’s own self-preservation comes in competition or is harmed, then one ought to do what one can to preserve one’s own life.

In the state of nature where man has recognized others’ rights to life, it follows that all men are bound to uphold by the law of nature. Otherwise one’s own self-preservation as in the preservation of mankind would be harmed and in danger. Locke states that “[a] state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal amongst another without subordination or subjection...”26 Concerning the right of self-preservation, Locke points out two distinct rights: (1) the one of punishing the crime, for restraint and preventing the like offence, which right of punishing is in everybody; (2) the other of taking reparation, which belongs only to the injured party.27 Both rights are essentially derived from the notion of life preservation and the dignity of life.

We can see in Locke’s account for state of nature, there are moral assumptions that the life of man encompasses a notion of dignity. With this foundation, Locke’s theory influenced later theorists articulations and establishment of moral rights (i.e. right of self-preservation, equal human dignity, eventually right to self-preservation for all mankind) and to simply respect the basic needs of others. It is noted by some that laws of nature do bind men absolutely to seek communion and fellowship with others to provide for “a life fit for the dignity of man,”28 Locke, moreover affirms that “all men are naturally in that state [i.e. state of nature], and remain so, till by their own consents they

25 Ibid., 3.
26 Ibid., 2.
27 Ibid., 5.
28 Hooker quoted in Ibid., 7.
make themselves members of some politic society.”

Here Locke argues that in forming a communion, men do this as individuals with capacity for rational agency, and not as merely members of society. Whether Locke was aware or recognized this underlying understanding of dignity, his theory assumes as given, the fundamental and very basic notion of dignity that is equal to all men.

Although Locke highlights the fundamental basis for right to life and a dignified life with basic needs, he does so in a perspective that only stipulate the individual with reason and capacity for action to embody this right. Locke’s theory of governance and power is based on the underlying idea of man’s individual right of self-preservation. This is very important to note since Locke’s theories laid the foundations for today’s democratic freedoms based on government by consent and social contract, and the rise to liberty rights. Thus, this view of humanity and man only shows the individualistic side, which has greatly influenced the notion of contemporary human rights. Lockean rights have developed into a form of political society based on values of democracy and liberty, which is the foundation for Western society.

IMMANUEL KANT ON MORAL RIGHTS

Following upon Locke’s theory of rights, Immanuel Kant in the *Grounding for the Metaphysics of Morals* outlined a moral theory with a fundamental moral principle that applies to all men. His moral theory has been very significant in serving as a basis and in outlining the parameters of contemporary human rights discussion. Kant’s thought on morality has also been highly influential in the establishment of important declarations, such as the Universal Declaration of Human Rights. His theory is significant for this essay, as it has served as a starting point of the formulation of moral rights in Western thought in terms of individual rights. Based on natural laws his theory was one of the first prominent rights justifications among Western moral theorist that was not based on divine law.

Kant established a basis for moral right by providing a formulation grounded in the moral autonomy of rational human beings. This fundamental moral concept is based on the notion of duty, as in what one ought to do, and not what one wants to do. Kant makes a distinction between duty and inclinations, wherein he separates morality from any form of wants, needs, and desires. Thus Kantian ethics is solely formulated on the basis of pure reason, and in the form of a maxim that is unconditional. This proves to be a very strong justification for moral duty, because if desires and inclinations are eliminated as foundation for duty, then personal and relative needs are removed, wherein duties are independent of personal interest, and as a result duties apply to everyone equally and universally.

The first formulation of the fundamental principle of morality follows: to act on the maxim that you can at the same time will to be a universal law. In this sense, the principle of morality becomes an imperative that is completely free from any inclinations, and that is an unconditional command, which Kant defines as the Categorical Imperative.

29 Ibid., 7.

30 This is very important for later arguments, because this means following Western theories and thoughts are derived from this premise of equal dignity.
It is in this capacity in which man, as a purely rational being, has the ability to make laws to oneself. This ability to exercise reason and act as rational agents is important in Kant’s moral theory as these faculties allows for the justification for the basic notion of dignity and worth of human beings.\(^{31}\)

It is in Kant’s second formulation of the categorical imperative in which he argues for the fundamental value of dignity and basic humanity. This formulation can be expressed as: act so that you treat humanity (in oneself and others) as an end always and never as a means only. The second formulation focuses on the beings that duty applies to, which is beings who can will, that is, can give laws to themselves. Rational beings alone can give laws to themselves and can determine the moral laws they ought to follow. Thus, rational beings, such as human beings have dignity and worth, and cannot be used as simply means to achieve ends.\(^{32}\)

In order to serve this humanity there are certain moral laws we much uphold. First we must have duty to oneself, in the sense that our actions must be consistent with the respect of humanity, thus we cannot harm our life in anyway because then man is using his personhood as a means to escape difficult situations. Kant states that “[m]an, however, is not a thing and hence is not something to be used merely as a means; he must in all actions always be regarded as an end in himself.”\(^{33}\) Second, we must show strict duty to others and cannot use others as a means to attain an end as that would be a violation of another’s dignity and humanity. Third, the duty to ourself should not only not conflict with humanity in our own person as an end in itself, but “the action must also harmonize with this end,”\(^{34}\) to the end that our action also extends to all, in the sense that we extends our own humanity to others. Fourth, “[t]his principle of humanity and every rational nature generally as an end in itself is the supreme limiting condition of every man’s freedom of action.”\(^{35}\) Here, Kant clearly express that the principle of morality can only be made by rational beings, based on pure reason and not experience, then this principle can be truly universal. What upholds our humanity and dignity is the respect for the law, which gives incentive to carry out action with moral worth. Herein it is recognized that human beings have some form of basic worth and dignity due to our humanity.

Kant also tries to make a case for equal moral rights in his third formulation of the categorical imperative: act as if one were a legislator in a kingdom of ends (that is, making universal law for all rational beings).\(^{36}\) Subsequently, we must recognize our duty as in equal human dignity. This is because our individual agency (i.e. rational will) emerges out of our humanity, and essentially the capacity of this attribute leads to equal worth. As expressed by Kant, that “[t]he concept of every rational being as one who must regard himself as legislative universal law by all his will’s maxims, so that he may judge himself and his actions from this point of view, leads to another very fruitful concept, which depends on the aforementioned one, viz., that of a kingdom of ends.”\(^{37}\)

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\(^{32}\) Ibid., 41.

\(^{33}\) Ibid., 36.

\(^{34}\) Ibid., 37.

\(^{35}\) Ibid., 37.

\(^{36}\) Ibid., 33.

\(^{37}\) Ibid., 39.
According to Kant, the fact that morality has nothing to do with inclination and is only justified by pure reasoning, and provides a strong basis of justification for human dignity. There can be no subjective or cultural-relative claims to what is moral worth and human dignity. Kant’s moral theory is highly abstract and metaphysical but essentially does manage to outline moral demands in terms of duty based on moral laws. However, his absolutist methodology of reasoning in justifying moral worth is all based on the premise of individual agency as a rational being. This can prove to be a challenge to the later justifications of human rights that have been derived from Kantian ethics. Non-Western traditions thus argue that human rights based on this theory is essentially rooted in the Western focus on reason and individual agency, thus yielding partial and not universal account of human rights.38

ALAN GEWIRTH ON BASIS AND CONTENT OF HUMAN RIGHTS

Alan Gewirth is one of the first to develop a comprehensive theory for human rights. In this book Reason and Morality (1978) he presented a foundation of human rights by systematically analyzing the basis of morality on grounds of rationality. Following his initial normative defense for a supreme moral principle he presented a new book on Human Rights. Essays on Justification and Applications (1982), which is regarded as one of the initial contemporary and comprehensive justifications for the theory of human rights. His underlying thesis argues that human right is primarily a moral idea, which later develops into legal and political ideas. From a philosophical approach he develops a universal theory of human rights while also working through difficult and unavoidable questions. He mentions in Human Rights, a comprehensive human rights theory must address questions such as: What are rights? How are rights related to other sorts of norms and values? How does human rights differ from other moral rights? Why are human rights of supreme importance? What are the contents of human rights? What are the orders of priority among human rights? How to resolve conflicts between these orders of priority and other values? How rights are related to duties and responsibilities, such as political obligations? How can it be established that all persons do indeed have human rights and that they hold these equally? etc.39

In so doing, in his philosophical undertaking he begins a foundational framework for universal human rights based on the principle of generic consistency and the idea of purposive agents.40 Ultimately, one of Gewirth’s primary objectives is to establish a ground for community effort for the development of the individual’s well-being and freedom.

There are various reasons I have chosen to include Alan Gewirth’s work. Gewirth lived through a very significant historical time during the 20th century. He experienced the First and the Second World Wars, the establishment of the UDHR (1949), the United States involvement in Vietnam War (1955-1975), the Cold War era (1947-1991) and recurrent tensions between the United States and the Soviet Union, and the Civil Rights

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38 See Ch. 2.3 where I highlight the aspects of human dignity and equal human dignity, where Western thought can bridge with Eastern thought.
39 Alan Gewirth, Human Rights, preface.
40 See below the definition provided for “Principle of Generic Consistency” and “Purposeful Agent.”
movement in the United States (1954-1968). These world events influenced his writing for social justice and civil rights and his advocacy for human rights obligations. Gewirth expands upon the source of human rights, and his works serve as a primary source for today’s human rights discourse. He also builds on previous notable rights theorists in Western thought (i.e. Locke and Kant) in developing a human rights theory. As such, his writings have become very influential in the emergence of a contemporary framework of understanding human rights, including the reasoning of government policies and mission statements of international institutions. However, it is important to point out some concerns regarding Western thought influencing Gewirth’s theory of human rights. Essentially, this raises the question of cultural relativism, the issue of “Western” value-based human rights theory, and whether human rights can truthfully be justified in universal terms. I would argue, that to some extent, Gewirth developed his human rights theory in a framework that was somewhat perceptively constructed by “Western” values—wherein the individual have moral rights based on its fundamental human nature of individual agency, rational thinking, and the capacity to act.\textsuperscript{41} I will first look at Gewirth’s foundation for human rights and introduce his concept of purposive agent. Then I will discuss the principle of generic consistency, how human rights are defined in this context, and the notion of right to life. Lastly, I will show that elements of human dignity exist in his human rights theory, and reviewing the significance of correlative duties in a communal sense of rights. Gewirth’s line of argument uses a philosophical approach based on logic. In contrast to Kant’s pure rational justification for morality and individual worth, Gewirth furthered the human rights evolution in the West by considering the whole person with all biological, social, and psychological needs.

Gewirth’s argument for human rights is based on his notion of \textit{Purposive Agent} and the \textit{Principle of Generic Consistency (PCG)}. Gewirth’s argument is based on four main steps (1) Each agent holds the purposes for his or her own actions (voluntary and purposive) as good (whatever the grounds and not necessarily a moral one). If one denies this capability then this is a denial of agency). Therefore, each agent regards the object of his or her purposive actions as having value (2) Each agent or prospective agent must accept that freedom and well-being are necessary goods for him or her, since these are the necessary conditions for acting on any purpose; (3) Thus, logically every agent must hold or accept that he or she has rights to freedom and well-being as generic features of action. Otherwise if the agent were to deny this then he or she must accept that others may legitimately interfere with his freedom and well-being, so that he or she may not have them, however, this would nor fit with the agents belief that he must have these rights; and (4) the basis for this claim is that he or she is a prospective purposive agent, thus he must rationally also accept that any being possessing such characteristics also equally has a legitimate claim to these rights.\textsuperscript{42} This argument yields the principle of generic consistency. The principle of generic consistency is the supreme principle of morality, which yields inter-personal requirements, derived from generic features of action.\textsuperscript{43}

The justification for the existence of human rights, as stated by Gewirth, is that “every agent logically must hold or accept that he and all other agents have these rights

\textsuperscript{41} Gewirth is interesting here as he addresses the pure Western value-laden moral base of “reason” and “rationality” in a way that does not distinctively separate reason and desire.

\textsuperscript{42} Ibid., 20.

\textsuperscript{43} Ibid., 54.
because their Objects are the necessary conditions of human action." This justificatory argument is strictly based on the method of delivery rather than the content itself. In arguing for human rights, Gewirth emphasize the criterion of logical consistency, that is “not that of superseding moral criteria that use specifically moral concepts or persons and their interest but, rather, that of providing a culminating structural arguments where other arguments fail of conclusiveness.” In this way, by appealing to consistency, his logical argument is second to the moral arguments of a supreme moral principle. On the other hand, Gewirth recognizes that the focus on Objects of rights and that this agent-centered justification must also be combined with an appeal to a certain value or criterion that is beyond the agent itself. Similarly, Gewirth’s human rights justificatory theory takes into consideration the combination of dignity and action.

There is an underlying sense of individual human worth embedded in the concept of purposive agent. Similar to Kant’s view, Gewirth’s moral vision of humanity highlights the sense of dignity as considered in terms purposive agents, who can act on their own purposes. Furthermore, a sense of equal human dignity emerges out of the principle of generic consistency. We all have generic rights to “act in accord with the generic rights of your recipients as well as yourself.” These moral and emerging human rights, ultimately, serves as a ground for community efforts and development of greater extent of well-being and freedom, which is primary derived from individual obligation. Essentially, Gewirth argues for showing a necessary concern for other persons’ human rights. Thus, to some extent the principle of generic consistency could be regarded as a universally applicable principle because it is based on universal moral rights of freedom and well-being, and correlative duties.

In contrast to Kant who divides inclination and reason, Gewirth does not separate these two, as they are both combined elements of purposive agents. Gewirth argues for both reason and desire in acting on purposes. For Gewirth, what is crucial is that we, as human beings, can develop, set, and act on purposes. A purpose can emerge out of the whole range of human motivations, from hunger, to success, to doing the right thing. To act effectively on purposes (which is what we seek to do), we must act reasonably. In particular, we cannot accept contradictions. I can’t accept P and not-P, or I won’t be able to determine what to do—I’ll be pulled in opposite directions, with no basis for deciding. So reason emerges as an essential capacity for acting on purposes, and for Gewirth, applying that reason leads each of us to the conclusion that we must respect the generic rights not only of ourselves, but also of others (on pain of contradiction.) For Gewirth’s moral argument, it does not matter what one’s purposes are. As long as we see ourselves as seeking to act on purposes, we will engage in the effort through the use of reason—thus emerges the argument for human rights. In contrast to acting solely to prevent something, as in Locke, Gewirth focus on the positive obligations to do something for others. He also provides a more complex base for dignity than Kant, for example, in terms of articulating a comprehensive justification of human rights by connecting inherent dignity and human rights. Gewirth also in conveying human rights, employs a

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44 Ibid., 20.
46 Ibid., 27.
47 Ibid., 52.
48 See Ch. 2.3.
dialectically necessary method. Human rights are emerging out of the interaction between people (i.e. dialogue, expectations, needs, and what we need to maintain ourselves as purpose of agents). Gewirth also begins to soften the notion of previous individualistic foundations for human rights and autonomous agents, while highlighting communal rights.

Human dignity in Gewirth’s moral theory is not referred to in the sense of someone not having dignity by virtue of an undignified action they did, but rather, here, Gewirth refers to dignity in the sense of intrinsic worth and as an inherent attribute of every agent. He argues that “every agent has worth or dignity because of his capacities for controlling his behavior and acting for ends he reflectively chooses.”49 This innate attribute of dignity must also be respected and supported by one’s individual motivation as outlined in the Principle of Generic Consistency, and in which all agents must accept on the pain of contradiction. Furthermore, this sense of dignity is also equally innate to all human beings, and all must equally respect one’s own dignity as well as others.

In moving away from the typical framework of Western thought centered on the individual, in The Community of Rights (1996), Gewirth presents a communal application of human rights. He applies his logically reasoned Principle of Generic Consistency to the greater communal sphere, and extends this principle from an individual agency-level to a communal agency-level, such as, the agency of communal institutions and supportive states. In addressing the often-assumed antithesis in Western thought that rights and community are separate entities, he argues “when rights are properly understood, they entail a communitarian conception of human relations, relations of mutual assistance, social solidarity, and important kinds of equality.”50 What Gewirth is implying here is that rights as in the individual sense are not complete in itself, in fact, every human being does not only have rights but also duties. It is this latter part that connects the individual to other members of the community. Human rights must be and are in fact a communal concept wherein “every human must respect the rights of all the others while having his rights respected by all others, so that there must be a mutual sharing of the benefits of rights and the burdens of duties.”51 Gewirth notes that in conciliating rights and community holders of rights must logically also adhere to their correlative duties.

Gewirth’s framework for human rights is to some extent formed and influenced by Western cultural values such as individual agency and that we are inherently rational beings (similar to Locke, and Kant’s view). Purposes can be based on desires, emotions, but also rational commitments (to be a good person or parent, to understand the nature of the world, and so on.) Indeed, even here, there may be blending—the commitment to be a good person may have a rational as well as an emotional component. Actually accomplishing the purpose will still require the exercise of reason. Gewirth is certainly operating within the Western framework, but he may apply it in ways that might yield some connection to Eastern approaches. He would no doubt recognize that our rational capacity must be developed, and that development may mirror the emergence of our ability to act on purposes. While something like hunger may naturally arise in us from birth, we are not then really able to formulate it as a purpose to be acted on. We may feel

49 Ibid., 29.
51 Ibid., 6.
the need for nourishment, but as infants we must be fed. We cannot act on the purpose ourselves.

SUMMARY OF WESTERN THOUGHT

By looking closer at the moral theories of Locke, Kant, and Gewirth, we can see some evolution of Western thought from just operating as an individual to begin to cooperate to help each other as in a community. To some extent, there has been a progression of the recognition of human dignity and the evolvement of human rights. In Locke’s theory we start to see some first formulations on rights as a naturally innate to all human beings, continuing to Kant’s theory wherein he articulates this sense of dignity in terms of moral rights, and in Gewirth’s theory wherein he explicitly provides an account for the basis and content of human rights as in not just an individual form but rather in the communal sense. In this evolution of rights we have started to recognize that we owe each other more as in the duties correlated to our rights. This sense of human dignity, and the extended connection to equal human dignity, has always been there. Despite conflicts within Western thought itself and in the human rights debate (i.e. rights versus duties, positive versus negative freedoms, individual versus community values), human dignity is in fact the central idea to any moral theory, whether it is implied or subconsciously understood, human dignity serves as a common moral pre-condition given in the theories of Locke, Kant, Gewirth. All their theories adhere to the underlying sense of human dignity by using various terminologies, concepts of principles, and descriptions. I will now turn to Eastern thought of ethics and demonstrate that similar to Western thought there is a fundamental basis of human dignity, and that this attribute is a common basis between Eastern and Western thought.
Chapter 2.2

EASTERN THOUGHT

Universal human dignity is in Eastern thought in the terms of humanity and greatest form of morality. Being moral is seen as being distinctively human. Fundamental characteristic of being human is morality (right and duty). What distinguishes Eastern from Western philosophy is that major tendencies of Eastern thought are based on emotion—experience and feelings—more so than reason. Generally these two major traditions are perceived as juxtaposing ways of thinking and living, and distinct with their unique features. Some might even argue that these are conflicting traditions. Yet, for the purpose of this section we should also acknowledge that there are conflicts within Western and Eastern moral thought in their own traditions, (although in Eastern thought it is not as clear as in Western thought). My objective here is to demonstrate that there are fundamental common values shared between these traditions, and this fundamental basis for each tradition is the value of human dignity.

There are many sub-traditions of Eastern thought divided by various civilizations. Major forms include East Asian philosophies, Indian philosophies, Iranian philosophies, Hebrew and diaspora Jewish philosophy, Babylonian philosophy, and Islamic philosophy. Additionally within each of these thoughts there are further sub-classifications of respective views. For this discussion I will mainly focus on the East Asian philosophies, and in particular the teachings of Confucius and Mencius, and Buddhism, which serves as a fundamental bedrock for the Chinese society and administration. By examining these two teachings in particular, I will demonstrate evidence of human dignity as being a central and fundamental concept in Eastern thought.

Traditionally, Eastern thought has focused on moral character and human nature, and how to attain the highest ideal of morality. Sub-branches of East Asian philosophies, such as Confucianism, Neo-Confucianism, Taoism, Shintoism, and parts of Buddhism—employs rather different habits to address the metaphysical issues of morality. In contrast to Western intellectual traditions, Eastern thought employs a more experiential understanding of morality, and avoids using agency terminology to justify morality based on pure rationality. This quasi-sense of moral justification has often been regarded by Western intellectual traditions to be somewhat cosmological, and is based on formulated substantive questions grounded in the nature of God, spirituality, and universal relationships. Although there is some validity in this assertion, Eastern thought, as well as Western thought, uses a methodological approach of logic and reason to justify their views on morality.

CONFUCIUS ON HUMANISM

Central themes in East Asian thought have mostly derived from the teachings of Confucius (孔子). His virtue ethics is important for understanding Eastern thought as scholars in many Asian countries other than China, such as, Korea, Japan, and Vietnam study Confucius’ works, and major traits of Confucius traditional rites are still practiced
in today’s society. A principal concept to Confucius philosophy concern the junzi (君子), which is a noble man and a person of noble character. Also, often mentioned in Confucius texts junzi means gentleman (originally a Confucianist terms), which in this sense referred to the ideal man whose character embodies the virtue of benevolence and whose acts are in accordance with the rites and rightness. Junzi is the opposite to xiaoren (小人), which translates to a small man, in the sense of a person of nasty and vile character. The Chinese saying goes junzi yu yu yi, xiaoren yu yu li (君子喻于义，小人喻于利), which means the gentleman understands what is moral, and the small man understands what is profitable. Still in contemporary Chinese society there exists an underlying sense to strive for the greatest moral virtue man can achieve and be through one’s living and personal exemplification. This means doing the proper thing at the right time, being able to exercise skilled judgment, and maintain social norms in the society.

Major influences of this kind of moral thinking is embedded in the Chinese society and originally stems from Confucius teachings.

Confucian virtue ethics focus on human behavior, wisdom, and kindness. It is an ethical system and a code of conduct. The Confucian theory is built upon two fundamental concepts: ren (仁) and li (礼), and five relationships.

Ren means benevolence, kindheartedness, and humanity. The Chinese saying goes as “benevolence is humanity”—仁者人也 ren zhe ren ye. 仁心 ren xin—this means kindheartedness. Ren can also be described as goodness or humaneness. Ren is an inward oriented and personal attribute that deals with internal thoughts and not actions. It is the highest virtue and key attitude of the heart, and can be characterized by truly desiring the good for others. It is the ethical code of fulfilling all one’s duties towards others and society, and in essence it is an universal virtue with no boundaries as it is fundamental to all human behavior and prevalent to all of mankind. However it is important to note that ren serves more as an ideal for mankind to strive for in their life, and not everyone might reach this ideal in their lifetime, but that should not serve as a deterrent for not striving for this ideal.

Li translates to social custom, manners, and courtesy. This concept refers to the ceremonies and rites required to accomplish the virtue of ren. In contrast to ren, li concerns the outward social behavior, such as propriety, rituals, etiquettes, customs, and morality. It can be regarded as a means to work towards ren. Central to li is the focus on human relationships. The meaning of li is closely related to yi (义), which can be translated as justice, righteousness and equitable. This is because li refers to human ties and relationships, and similar to yi is based on the idea of reciprocity. Confucius says that if man honors the customs of li then one can reach ren and have a perfect life, which is also demonstrated in five fundamental relationships.

The five relationships are (1) ruler to subject, (2) father to son, (3) husband to wife, (4) elder to younger, (5) and friend to friend. By following the concepts of ren, man can achieve great harmony in each of these relationships. These relationships are founded upon the idea of family. Confucius regarded the relationship of father and son as one of the most important ones and central to the societal structure. Family relationships, eventually translate into societal relationships, and in the old days how the villages worked in relation to the empire.

Here the element of human dignity can be found in Confucius source of ren, benevolence, which is derived from the Heart. It is the heart which is the central function
of a human being and which generates humanheartedness and humanity in all men. The heart is the greatest and most valued part in a body, which a person must nurture. The person who nurtures the part of lesser value and importance is a small person, and who nurtures the part of great value and importance is a great person. In Confucian thinking the heart is indispensably connected to morality, and it is the fundamental basis from which we develop moral values. The moral heart is a distinctive part of being human, so one should seek joy in being moral more than any other joy. If one seeks joy in doing immoral things, one is no longer distinguishable from beasts and animals. And if we were not moral to each other we would live in a Hobbsian state of war. So to be moral is a precondition of being human. All men have a heart and the heart is the most fundamental worth and dignity of a person. Thus all men have dignity and worth, and human dignity is a fundamental precondition for further developing moral values and systems that we act upon.

Confucius repeats that this essence of human dignity and humanheartedness can be developed through the Way, in the sense of one’s living as in the concept of li. And while this essence can be nurtured, man slowly develops one’s human inclination to be moral to less or greater extent. In the Analects, one of Confucius disciples, Yu Tzu, said: “[i]t is rare for a man whose character is such that he is good as a son and obedient as a young man to have the inclination to transgress against his superiors; it is unheard of for one who has no such inclination to be inclined to start a rebellion. The gentleman devotes his efforts to the roots, for once the roots are established, the Way will grow therefrom. Being good as a son and obedient as a young man is, perhaps, the root of a man’s character,” and which the Master, Confucius himself affirmed by his reply that “[i]t is rare, indeed, for a man with cunning words and an integrating face to be benevolent.” Thus, noting that the sense of dignity is in our roots, and if naturally followed by our inclination, one would stay true to this notion of fundamental dignity and as well respect others’ human dignity.

Human dignity here is also universal and equal for all people. Equal human dignity is a fundamental characteristic in Confucianism, which can be demonstrated through human relationships and its reciprocity. Duty is a theme often highlighted in East Asian cultures. In Confucian thought duty is the moral obligation of loving others than oneself. This inclination is in the form of a natural duty embedded in one’s capacity of ren. Nonetheless, it is not enough to just consider ren, the inward heart, but this must also be in combination with li, the outward behavior. The later is full of rituals, which are very important to one’s personal moral development. The most important rite is the idea of xiao (孝) which means filial piety. This is a virtue of respect for one’s father, elders, and ancestors. This concept is central to Confucian ethics, as it does not only mean to be morally good in general, but also highlights the reciprocal respect in relationships. Filial piety does not mean respect and obedience to one’s superior as in a rule. Confucius noted that it the superior (parents, elders, or state) does not live up to their standards and fails to

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53 Ibid., 76.
54 Ibid., 77.
serve as a role model, then one can and ought not to obey them blindly, but instead attempt to correct them.\footnote{See section below on Mandate of Heaven, where I address the state and government administration with reference to Confucius and Mencius idea of correlative relationship (i.e. obedience to parents can be extended to obedience to the state.)}

Furthermore, when discussing benevolence it is often highlighted in Confucian ethics to follow the code of the golden rule, as in “[d]o not impose on others what you yourself do not desire,” (己所不欲，勿施於人).\footnote{Ibid., 112.} One should never use another person as a means to achieve one’s ends. For example in Confucian terms, li must be motivated by ren, and one cannot use li merely as a means to get what you want, but li must come from a selfless li.\footnote{Huang, “Confucius and Mencius,” 68.} It is in one’s self-interest to be moral in attempt to attain ren, nevertheless, morality is not a means but an end in itself. This view of the golden rule is very similar to Kant’s idea of morality as in his second formulation of the categorical imperative. The difference between Kantian ethics and Confucius ethics is that the latter allows for inclinations and is not based on pure reason.

It is important to state that Confucian ethics is not a religion but more of an ethical system and code of conduct. It is about the xue (学), as in the learning of moral self-cultivation to reach the highest ideal of joy. Essentially the lesson is that one should be moral for the simple fact that it is a joyful thing to be moral, and embedded in this notion; to be moral is to respect and nurture one’s heart as well as in others—which can be translated as human dignity and equal human dignity.

\textbf{MENCIUS ON INNATE GOODNESS AND SUFFERING}

Other than Confucius, Mencius can be considered as the second most influential figure in East Asian thought. Mencius teachings are important to understanding Eastern thought as his philosophy takes roots in Confucius teachings. What he did was to provide more in-depth interpretations of human nature in Confucius teachings while also adding important elements to them. Mencius core principle of his ethics is similar to Confucius as it is governed by humane love. He asserted that human nature was fundamentally good and not evil. He added to the idealized form of ren in Confucianism by arguing all people are inherently good. He believed that heavens of sorts were present in every human’s heart, and that it is every person’s job to understand this heaven living within them.

Mencius ethics is most known for its focus on human nature and his theory on innate goodness. Mencius believed that human beings are inherently good by nature and that it is societal influences which fosters bad individuals. The foundation for his “theory of the original goodness in human nature, conscience and heart are a combination of human moral instinct, moral rationality and moral volition, whereas moral instinct gradually rises to moral volition and passes through moral rationality.”\footnote{Zhang Pengwei and Guo Qiyong, “New Insights into Mencius’ Theory of the Original Goodness in Human Nature,” \textit{Frontiers of Philosophy in China} 3, no. 1 (2008): 1.} His theory focuses on the goodness that is already there in human nature and which is innate to one’s heart and mind, rather than a theory talking about the capacity to be good in the future.
The inborn nature is made up by the four cardinal virtues of benevolence, righteousness, proprietary and wisdom, while the heart encompasses the inclinations of compassion, shame, respect, and right and wrong. Mencius advocates that these inborn faculties in our heart and mind are the ones we ought to nurture and protect.

Greatly said by Mencius, “[n]o man is devoid of a heart sensitive to the suffering of others.” To demonstrate his theory of original goodness, Mencius provides a scenario of when a child falls into a well, which points out several natural inclinations of innate goodness. He says, “[s]upposed a man were, all of a sudden, to see a young child on the verge of falling into a well. He would certainly be moved to compassion, not because he wanted to get in the good graces of the parents, nor because he wished to win the praise of his fellow villagers or friends, nor yet because he disliked the cry of the child.” But here, Mencius points out an initial distress that is natural and pre-cultured. This feeling of compassion in the heart is humanity, and this heart of compassion underlies benevolence, the heart of shame, observance of the rites, the heart of right and wrong, and wisdom. Everyone has this heart of compassion that cannot bear to see the suffering of others and whoever denies this quality is denying one’s own and of others’ potentialities and humanity, and whoever is devoid of the heart of compassion is not human. Simply, humanity is essentially the susceptibility to the pain of other people. And this sense of an unbearing mind, suffer, ought to be nurtured in order to generate compassion.

The principle of unbearing mind is the basis for humane love.“ For Mencius, the unbearing mind reflects on the fundamental concerns of living existence. He takes this as the starting point of human nature. It is a feeling of condolence over other’s sufferings and knowledge that oneself might face the same kind of suffering. Its foundation is the continuity of bodily existence and sharing of similar feelings toward life and sufferings.” Human suffering and natural suffering generate empathy towards any human being, and even other beings as animals. Slightly different from Confucius’ thinking on this sense of commiseration linked to family relationships, for Mencius this feeling of suffering is a starting point of human nature. It is in our natural feeling of commiseration to be inclined towards the weak and helpless, and it is this innate goodness that can develop into sympathy, understanding and care for others, which also serves as a motivation to do good deeds.

The sense of human dignity here is embedded in the theory of innate goodness. It is this natural inclination to be moral, the motivation to be good, and our unbearing mind, in which we see elements of dignity. What makes Mencius’ account of human dignity fundamental is his explicit focus on the original goodness in human nature that “lies in the characteristics of human morals, in the ‘essence of human nature,’ rather than the extent of its development realization.” Evidence of this original goodness lies in the existence of our self-consciousness, and in particular of ability to develop moral consciousness. Human dignity is implied as fundamental basis of morality and which is existent in all human beings—in our conscience and our original heart.

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61 Ibid., 38.
62 Haiming Wen, Confucian Pragmatism as the Art of Contextualizing Personal Experience and World (Plymouth, UK: Lexington Books, 2009), 232.
63 Ibid., 233.
Similar to Confucius idea of the golden rule in Eastern thought, Mencius also refers to the notion of equal human dignity through his Doctrine of Mean. This doctrine is made up of two elements: the realization of oneself and the realization of others. This means that one must acknowledge that everyone has a heart and mind alike, and that everyone can have the ability to feel joy in being moral. Mencius said that “not only worthy people have such a heart/mind; common people all have it,”\(^65\) simply, by virtue of one’s heart and mind. The Doctrine of the Mean is closely aligned with Kant’s theory of the second categorical imperative and the golden rule. Here, equal human dignity is accounted for, based on the simple notion that all men alike have a heart/mind with innate goodness. Furthermore, given this innate goodness one has a duty to oneself and others to be good. This means one cannot use others as a mean to achieve our ends, because this would mean one have denied someone’s natural goodness. Yet, some people consciously use people as means to achieve their ends. This does not mean people are naturally in this way but rather that people fear abandonment of this heart and mind. All mankind has this innate goodness alike, which can be felt through one’s inclinations, such as, “[e]very person shares a certain sense of sympathy,”\(^66\) and the knowledge that oneself might face the same kind of suffering.

Mencius extended his theory of innate goodness to the application of government and administration. The Decree of Heaven, also referred to the Mandate of Heaven was an idea first articulated by Confucius and later developed by Mencius to serve as a political guidance and theory. The Mandate of Heaven is an ancient Chinese philosophical idea and belief that the Heaven grants emperors the right to rule based on their ability to govern well and fairly. The theory asserts that with this heaven-given mandate the ruler is granted exclusive authority over its people. However, the ruler must be a benevolent one, doing only what is good and righteous, as in the philosophy of ren and li. If a ruler chooses greed over goodness the heavens will remove him and give the mandate to another. The mandate of heaven asserts that it is the people’s right and responsibility to rise up and rebel against the ruler, and consequently remove him, if the ruler is not a benevolent one and is not following the golden rule. Mencius further developed this theory, and argued that the people need compassionate and caring leaders to step up and rule. In Mencius time in China, benevolent rulers were a necessity to ending the then existing evil and turmoil within his lands. As noted in The Analects, “[f]or Confucius, as for the whole of Chinese tradition, politics is only an extension of morals: provided that the ruler is benevolent, the government will naturally work towards the good of the people.”\(^67\)

**BUDDHISM ON SUFFER AND COMPASSION**

In addition to Confucius’ and Mencius’ teachings, Buddhism also makes up a major part of Eastern thought. There are various sub-traditions within Buddhism. The two major branches are Theravada and Mahayana. Theravada Buddhism (The School of the Elders) is widely practiced in South East Asia, such as in Cambodia, Laos, Thailand,

\(^{65}\) Huang, “Confucius and Mencius,” 73.

\(^{66}\) Wen, *Confucian Pragmatism*, 232.

Myanmar, Sri Lanka, etc. Mahayana Buddhism (The Great Vehicle) is mostly followed in East Asia, in countries like China, Korea, Japan, Vietnam, Singapore, etc. Mahayana Buddhism also includes Tibetan Buddhism. Although, some recognizes parts of the Mahayana Buddhism as Vajrayana Buddhism, as another sub-tradition within Buddhism, which is mainly practiced in Tibet and Mongolia, and parts of China and Russia. In particular, the introduction of Buddhism in China has been a major influence in forming Chinese civilization, including areas of religion, philosophy, art, and literature. 

Buddhism can be practiced as a religion as well as being only used as a philosophy of ethical living. Since there are many sub-traditions of Buddhism, each with its own traits, I will in this section highlight the key and fundamental traits shared among all these sub-traditions. For the purpose of this discussion, I will focus on the notion of suffering and compassion, and emphasize some elements of dignity.

Buddhism is about the right way of living, which is based on the teachings Buddha, the awakened one. Buddhist thought believes that sentient beings are in constant suffering because of their desires and ignorance, and the ultimate goal is to detach oneself from these and ultimately reach enlightenment, the sublime state of Nirvana. Embedded in this thought, there is an element of compassion, which is a universal notion in Buddhism. Compassion in Buddhism means the understanding of suffering for all beings (living and non-living), and the Buddhist compassion is also universal in the way that this ability is equally held for good as well as bad beings, which have done horrible crimes and bad things.

Compassion here is the ability to feel for other beings’ suffering. Buddhism holds that there is a human capacity of suffering and all human beings are equally capable of suffering. This condition of suffering derives from illusion, such as in the pursuit of power, money, wealth, all material things. These experiences of suffering influence one to do good and bad things. Buddhists develop compassion as a duty, which needs to be cultivated based on the Buddhist understanding of the world and the way of suffering. It is important to note that there is a difference between love and compassion, wherein the former applies to only having the capacity to love the good, and the latter pertains to the ability to have compassion for both the good and bad. And it is this latter form that Buddhism follows. This thought also holds that all beings equally deserve compassion, as such all beings are entitled to dignity.

In Buddhist thought everybody is a Buddha in essence, with all the potential to follow the way and attain enlightenment. However, not everybody can be called a Buddha, but only those who started groping for this understanding and harmony, which develops on one’s fundamental heart and core which everyone has. And what makes these beings different from those who cannot develop this fundamental seed of essence is their striving to go beyond mere desires and to be conscious. Although Buddhist thought and understanding the way to enlightenment is quite abstract and metaphysical, I want to highlight a sense of dignity underscored here. Buddhism believes all life has dignity. This includes not only human beings, but also other form of life, such as animals and nature. This sense of dignity in Buddhism is the Buddha in essence. It is such a fundamental nature in all life that words cannot capture its meaning. The sense of

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intrinsic dignity here applies to all beings equally. All beings have this fundamental premise.

Now one might argue then if everybody has this dignity, then, how are human beings often understood as being more worthy than animals or other beings, and thus to have more dignity than any other beings? Human beings have greater dignity because human beings have a greater capacity of illusion, as in the Buddhist words is noted as suffering. This does not mean that animals have less capacity to suffer than human beings. All beings suffer. However, what seems to be unequal dignity pointed out here does not undermine my notion of equal dignity. Regardless of what degree beings develop their essence of Buddha (i.e. element of dignity), all beings still have dignity as a fundamental premise. The development of it does not underscore the intrinsic worth all beings have. Rather the degree of development of this capacity pertains more to the living order and structure of life, where some beings have developed a greater capacity to be more suitable to carry out certain duties or roles in the society, such as serving as a leader of people. And it is important to note that even if this seems to be an indication of inequality in the society, as in the relationship between a ruler and its people—this is another aspect as in how life should be regulated, but does not undermine the fundamental dignity equal for all beings.

In terms of equal dignity, one must acknowledge that the dignity as in the development of animals might not be the same as the development in human beings, and yet all beings can still be regarded as having a fundamental essence of dignity and life that is equal for all regardless of to what degree this capacity is developed. The concept of Nirvana is said to be “the identification of the individual with the Universal Mind, or with what is called the Buddha-nature; or it is the realization or self-consciousness of the individual’s original identification with the Universal Mind.”69 This above-mentioned essence of Buddha refers to the nirvana. It is a universal essence, a universal sense of connection, which entails the universal care and compassion for all beings—and this is equal dignity.

NEO-CONFUCIANISM SCHOOL

Traditional Confucianism, idealistic Mencius teachings, and the highly metaphysical Buddhism are major cornerstones forming the bedrock of Eastern thought. Each tradition has its unique value of how to be an ethical being and live a moral life. Yet, when we attempt to transfer and apply these most ancient fundamental Eastern thoughts in practical life and society today, many of these teachings can be translated to conservative, autocratic, religious, and abstractly vague in its true meaning. In this regard, we must acknowledge that in Eastern thought, similar to in Western thought, there is a sense of development and evolution of thought, which most often refine traditional concepts with regards to more contemporary framework.

Often referred to in Eastern thought is the notion of the mind and nature. In addressing these concepts of life, Confucius and Mencius tend to use a psychological level of analysis, while Buddhism generally employs a more metaphysical level of analysis. Thus it is important to note that these strictly formed traditional frameworks of

69 Ibid., 244.
thinking can sometimes not be directly compatible with more contemporary time. As such, the School of Neo-Confucianism came about in an attempt to form a more contemporary understanding of these traditional Eastern thought and values.

Neo-Confucianism applies the Buddhist methodology to Mencius and Confucius thought.\(^70\) This school can be regarded as a more rationalistic and secular form of Confucian philosophy. Neo-Confucians borrowed concepts from both traditions by using metaphysics to develop rationalistic ethical philosophy. In this sense a more reasoned and grounded account of moral philosophy than Buddhist mysticism was established.

Some of the key concepts concerned the idea of *liangxin* (良心) and *liangzhi* (良知). *Liangxin* refers to the conscience. It means that everybody has a conscience, a good-heartedness, and knowledge of what is right and just. *Liangzhi* means the intuitive and innate knowledge. It refers to the innate sense of right and wrong, and that everybody have an innate conscience. Despite many competing views, these ideas emerged as somewhat refined and incorporated thoughts from Buddhism, Taosim, Confucianism, and Mencius thought. While highlighting the core elements of humanism and rationalism, Neo-Confucianism believed that it was the responsibility of humanity to create a harmonious relationship between the universe and the individual.\(^71\) This could only be understood through the method of human reason.

Embedded in this new thought is also the underlying sense of dignity. Very similar to previous traditions, more or less, human dignity, can be understood through the Chinese saying *liang shi liang neng* (良知良能), which is the instinctive understanding of ethical issues. This instinctiveness is untrained, in the sense that it is not formed through socialization and cultivation. But this is an innate moral compass, and an inborn sense of right and wrong. The Neo-Confucian idea of innate goodness underscores the idea of equal dignity and equal human dignity. While also absorbing some Western thought elements in early 20\(^{th}\) century, Neo-Confucianism provides a nuanced understanding of Eastern, and Chinese traditional thought in particular, by highlighting a humanistic spirit and an intuitive way of thinking, with a more pragmatic application in a globalized civilization.

**SUMMARY OF EASTERN THOUGHT**

My objective in this section was to show that the general conception of various traditions, with East and West, as well as within the Eastern tradition itself, involves more similarities in the fundamental core values than one might think. By going through major influential Eastern traditions I have tried to demonstrate that there are common values shared among these traditions, such as the basis of fundamental humanity and dignity.

All of these traditions—Confucius, Mencius, and Buddhism—share a common moral idea. Their teachings adhere to the underlying sense of human dignity by using various terminologies, concepts of principles, and descriptions; nevertheless, the notion of dignity is underscored, whether intentionally or not. To some extent is can almost be

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\(^{70}\) Ibid., 254.

understood that the respective teachings have already taken for granted and assumed the underlying basis and essence of dignity, and which can be demonstrated by examples of their theoretical justification.

As shown above, one can demonstrate that there are elements of fundamental dignity present in each tradition. For example it is referred to and implied by Confucianism as ren, humanism; for Mencius it is the innate goodness; for Buddhism it is the essence of Buddha, and comprehensively incorporated in Neo-Confucianism, it can be summed up that dignity is existent in the sense of humanistic spirit.

However, in light of this discussion it is also important to acknowledge the limitation in the meaning of equal dignity as in applied for all beings and not just humans. In this discussion and for the purpose of advocating for a more universal justification for human rights, I have here intentionally chosen to focus my discussion on the dignity for human beings, i.e. the naming of human dignity. There is no doubt, that there is more to be discussed in terms of dignity for animals and other forms of life, other than that of human beings. And my choice of framing my discussion does not mean I undermine the value and dignity of other beings and life. My decision is accounted for by my intention to strengthen a universal justification for human rights in terms of demonstrating that the essence of humanistic spirit and dignity of human beings existed pre-culturalization; as such, I am solely focusing on the dignity of humans.

For the following chapter three, I will examine the Chinese government and its human rights policies in light of this moral outlook and basis of human dignity. But let me first develop my account and understanding of human dignity.
HUMAN DIGNITY

The purpose of this section on human dignity is to provide a common ground across Eastern and Western cultural traditions that can serve as a strong basis for universal human rights and strengthen the universal justification and applicability of the UDHR. My plan is to highlight connections of a cluster of themes that are significant enough that can lead to more constructive and open dialogue, based on tolerance and respect, and further elaboration of this core vision I am trying to convey here.

It is important for me to point out that I have intentionally decided to only focus my discussion here on the dignity of human beings, i.e. human dignity. As addressed earlier, there is no doubt that there is significantly more to be discussed in terms of the dignity of animals and other forms of life, other than that of human beings. The chosen framework here does not mean I undermine the worth of other beings. But simply, limiting this thesis to a manageable account for strengthening and providing a sound universal justification for human rights. Agreeable, for future developments, I believe this universal justification eventually needs to incorporate a more comprehensive account for the dignity of animals and other beings, as well as concerning the nature and environment we inhabit.

In previous sections I have tried to demonstrate evidence of a sense of human dignity existent in both the Western and Eastern traditions. The motivation behind this is to attempt to find a way to bridge the Western and Eastern value paradigm on a common moral denominator, such as the principle of human dignity. As such, I am trying to highlight a fundamental and universal shared vision across all cultural system, both within and across traditions, by means of looking at the basic substance of dignity itself. In order to do so I will now try to provide a more clear account of what this human dignity actually is and the meaning embedded in its value.

It is important to point out that there are various conceptions and understandings of dignity and on its grounds for validity. In order to provide a comprehensive argument for human rights we ought to take into consideration the dignity for all beings, as the case for human rights must also account for equal human rights in order to assert its universal justification. Furthermore, there are also already different conversations on human dignity in the human rights debate. For example human dignity could be discussed within academic disciplines (e.g. philosophers), between disciplines (e.g. philosophers versus theologians), secular versus religious understandings, and one within the Christian traditions.

The concept of human dignity is relatively new, and most of the current writings are to some extent grounded in the framework of Western thought, with the emphasize on the ideas of rational agency, the capacity to act, and logical reasoning. Many current human rights institutions and political debates on human rights are based upon this assumption. As mentioned in Chapter 1: The Political Discourse Is Not Enough, this basis proves to be a problem and challenge in truly motivating supporters of traditions other than the Western one to abide by these accounts, even if there is a sense of moral validity in its fundamental meaning. Alternatively, we need to address this concern to
find ways of improving the current justification, which can incorporate both Eastern and Western cultural values.

PRINCIPLE OF HUMAN DIGNITY

The core of human dignity stressed in Chapter 2.1: Western Thought, and Chapter 2.2: Eastern Thought is centered on the notion of an intrinsic worth that is existent in all form of life. My understanding of this idea is Dignity is the physical and spiritual worth of living things. This may seem to be a very general and somewhat vague definition of dignity. But given the intrinsic nature and abstract depth, words alone cannot provide a comprehensive understanding, nor capture its true essence. For this very reason, in order to offer a deeper understanding of the meaning of what is dignity and what this entails, I think it is necessary to approach this idea by not only using language and reason, but to combine the logic of reason with our own inclinations.

Dignity is inherent in all human beings by virtue of simply being human. This is such a basic idea that we often perceive this worth as a given fact. It is difficult to discuss the meaning of dignity in a sense other than as in a person acting with dignity in a customary sense. However, this abstract sense of value has not been fully elaborated in a comprehensive way, such as by incorporating both reason and inclination as standards of justification. Thus, this opens up the opportunity to reevaluate the meaning of dignity and its universality. Perhaps it is because of recent changes in the international political sphere, where the balance of power has shift from the dominant American hegemony and Western culture to the rising power of China, with an unfamiliar culture of the East, that we have started to recognize that the basis for human rights have generally not been fully explored in a comprehensive and inclusive way. By examining the realm of Eastern thought we can start to see some fundamental moral similarities with that of Western thought, at least more than was understood before. Both these two traditions are concerned with similar things, such as the basic life of the individual and the individual life in a communal function. These traditions demonstrate differing ways to express their moral view, for example, the use of reason versus inclination. They both however express the same fundamental function of human dignity, whether it is implied or just simply understood as a precondition for living.

Based on my research, human dignity can be understood as an existential value that naturally generates the inclination to be humane and morally good. Human dignity is the basic inclination to humanity. In trying to convey its meaning, let’s look at major and influential thinkers in Eastern and Western thought. For example, Locke implied in his discussion on natural rights the sense of fundamental necessary worth, and Kant referred to human dignity in the sense that worth is an assumed precondition for his moral theory of the categorical imperative and the golden rule. Confucius and Mencius referred to the essence of human dignity as humanity, respectively the fundamental value of humanheartedness and innate goodness, as primary standard for governing society. Gewirth referred to human dignity as a human precondition to be moral through his principle of generic consistency, and in Buddhism there is an underlying connotation to dignity in the respect of the equal value of all life.
Still, it must also be acknowledged that there is some great tension in the understanding of dignity. For example, Buddhism understands dignity in terms of life and nature, in the sense that all sentient beings have equal worth, while Kantian understanding of dignity is very much Christian based, which sets human beings as above animals. It all comes down to what conception and view of human nature dignity is understood from. Kant and Gewirth regard human beings in the sense of a pure rational and moral being, while Confucianism and Buddhism allude more to the elements of spirituality.

My conception of dignity is grounded in a holistic understanding centered on the idea of humanism. I regard all forms of life and beings as having dignity. I do not consider that one kind of being is more entitled to dignity than others; rather I consider that dignity cannot be entitled and bestowed upon, as dignity is a universal component original to life. I do not necessarily mean this in a religious or biological way but rather in universal conception on life. The previous mentioned theorists and thoughts in Eastern and Western tradition understand dignity in the form of theological, natural, biological, moral, or spiritual way. I think there is great value in considering all these ways and finding that commonality in which they all could connect on, and this would truly provide a more universal basis for dignity.

Captured in various familiar concepts, elements of dignity can be expressed as: humanity, care, goodness, humanheartedness, compassion, suffering, benevolence, et al. We can understand these meanings not only by their concepts and definitions, but because we have experienced these inclinations in natural ways. For example, infants, as human beings with minimal socialization have the natural ability to feel these emotions. Similarly with the idea of dignity, we can individually feel this sense of worth in ourselves and recognize it in others. Another way by explaining is that dignity can be regarded as the premise or the ground for our inclinations and actions. For example, the natural inclinations to care, suffer, and feel compassion is projected feelings generated from this essence of dignity.

CASE FOR EQUAL HUMAN DIGNITY

In order to make a case for equal human dignity in the sense that dignity applies to all we must solve the Eastern versus Western human rights paradigm. There are several examples of recurring common issues in the contemporary human rights debates (e.g. individual versus community, rights versus duties, positive versus negative freedom, reason versus emotion, agency versus decency, etc.) These tensions are not only between different traditions but also within traditions themselves, thus all these moral issues must be solved in a way that creates stability and balance across all traditions. If we look beyond the typical East versus West framework of moral values, we can find some shared moral grounds existent in both traditions. We can find in these discussions similar foundational elements of human dignity. By identifying these issues we can start to work out how these conflicting moral values can in fact operate together in a balanced way and in a harmonious relationship. In doing so, the aim is to solve these dichotomous values by connecting them in ways similar to mutual relationships. Thus, for the purpose of
providing a more comprehensive universal justification, my aim is to show how blending a cluster of moral themes can bridge Eastern and Western traditions.

Mencius asserted, “to be humane is the way to be a human being.”\(^72\) This is humanity, to not only love oneself but to also love all human beings. Human beings are essentially social beings in the sense that we live together and have some form of connections or relationships to other beings as well as to the nature we inhabit. In such a natural communal structure of life there ought to be some form of natural norm or law that governs how individual entities ought to act in relation to each other. In the same principle that individuals have dignity, other individuals do equally have dignity. Individuals together form community where we coexist with each other. This community must be somewhat regulated in order to have peace, where individuals dignity is not infringed upon, and individuals are not suffering. To some extent it is possible for individual and community values to coexist, because we each respect our dignity and in reciprocal manner respect others as we wish our own to be. For example Confucius asserted that for a person to be humane “he is able to practice five virtues (respect, tolerance, trustworthiness in word, diligence in action, and kindness) in his relation with all the people in the world.”\(^73\) In this communal sense there are certain rules and norms, which must be upheld in order to maintain peace and harmony in the society. In the same way there are certain codes of conduct within a family unit of care and respect, this relationship extends to greater social relationships, such as neighborhood, town, city, country, and the world. Otherwise we would live in a world of complete chaos. But this is simple the recognition that we are not by ourselves but that we live in commune with others.

Now the question becomes what are these norms and laws that we ought to live by to maintain a peaceful society where everyone’s dignity is asserted and respected. In regards to our fundamental dignity we need something to uphold and protect these. Here, the importance of rights emerges. Gewirth noted, “by the effective recognition of the mutuality entailed by human rights, the society becomes a community. So the antithesis between rights and community is bridged.”\(^74\) The mutuality emphasized here is the correlative duty to the rights we need to assert our fundamental dignity. It is these rights and duties together which allows for individuals to coexist harmoniously in a community in the sense that it balances our needs and regulates our actions in regards to others. As emphasized in the writings and teachings in both Western and Eastern thought: always treat others as you would treat yourself, and to always respect yourself and live to your best moral goodness as you are capable to do. This idea of the golden rule is not only advocated by Kant but is also embedded in the writings of Locke, Gewirth, Confucius, Mencius, Buddhism and Neo-Confucianism. Although the motivations in respective thoughts vary, whether the motivation lies in suffering, care, compassion, innate goodness, individual gains, or universal love in nature, they all still emphasize the connection to others, and to recognize their existence and worth. The golden rule is exercised within the framework of “rights and duties,” such as an invisible law of morality, where one is naturally inclined to be good toward oneself and others. Provided


\(^73\) Ibid., 118.

that there is the existence of the “other” we now do not only have rights as in asserting our rights, but now we also have duties as in asserting the rights of others.

Basic rights have correlative duties. The importance here concerns not only that we have rights and duties but also more so on how to balance correlative duties and basic rights. Henry Shue\(^\text{75}\) argued that “[t]he central core of the (basic) right is a right that others not act in certain ways. But the mere core of the right indicates little about the social institutions needed to secure it, and the core of the rights does not contain its whole structure. The protection of ‘negative rights’ require positive measures, and therefore their actual enjoyment requires positive measures, and therefore their actual enjoyment requires positive measures.”\(^\text{76}\) The basic right that Shue refers to here is the basic right of subsistence and security. Ultimately, he makes an account for why wealthier nations ought to share their abundance and provide for other communities where the most basic rights are absent.

Underlying this obligation and duty as in given through the form of avoidance, protection, and aiding, there is a sense of correlative responsibility to our own rights. In the sense that our own rights, derived from our fundamental dignity, is correlative equal to other individuals, and it is our duty to ensure the dignity of other are also provided. Thus, here we can understand that there is a sense of underlying notion of equal human dignity, which drives us beyond our natural inclination to the state where we actually have that “moral oughtness” to ethically care for others, and extend beyond ourselves to an universal application.

Similarly, Gewirth argues “positive rights (obligation to act) serve to relate persons to one another through mutual awareness of important needs and, as a consequence, affirmative ties of equality and mutual aid.”\(^\text{77}\) Generated from Gewirth’s Principle of Generic Consistency, by recognition of the others, it is rationally provided that there is mutuality and solidarity in a community in ensuring for these basic rights. For example on the case of starvation, Gewirth asserts that “[s]ince the PGC requires the relief of starvation, it is also requires that such relief be facilitated, where necessary, by appropriate legal measures to be undertaken by the political authorities.”\(^\text{78}\) Highlighted here is a sense of moral obligation the individual as well as the community as a whole have in providing for others to have these basic rights. By recognition of one’s own dignity, one must also recognize the dignity of others. And since we are all purposive agents it is also indirectly our moral duty to provide food to those who do not have these basic necessities. What I am trying to highlight here is the underlying moral justification for recognizing and upholding not only one’s own individual dignity but also those of others as we are essentially mutually connected in a joint community, and as such, given our rights we also have correlative duties to others.

In the Western human rights discussions the notion of human agency, while Eastern thought emphasizes the idea of human decency. In this sense the human rights narrative provided in each end is only relative and not comprehensive in the sense that it incorporates the other. Human dignity justifications in Western thought regularly uses the

\(^{75}\) Henry Shue is a Professor of Ethics and Public Life, and Philosophy at Cornell University.


\(^{77}\) Gewirth, *The Community of Rights*, 32.

term “agency” or “capacity” in their definition, and emphasizes the rational capability 
human beings have, which is considered as the fundamental condition for human rights. 
However, in order provide a more inclusive and comprehensive human rights justification 
we must include the latter of human decency to the framework for discussing human 
rights. In the sense that we do not only center our human rights discussion on reason, 
rationality, and capability, but also incorporate some elements emphasized and 
recognized with in the Eastern thought, such as those of emotion, intuitive, and natural 
inclination. Only in this bridged sense can we provide a more universally appealing and 
identifiable justification for human rights.

Confucius’ and Mencius’ teachings often allude to this sense of human decency in 
justifying moral goodness and social norms. In ancient Chinese thought there is 
fundamental belief that Heaven granted rulers the right to rule over his subjects. This idea 
can be perceived as a case of hierarchal dignity where there is a distinction between the 
ruler and the people’s worth. However, this is not the case as all human beings according 
to the teachings of Mencius and Confucius have this underlying equal sense of dignity in 
the form of humanism and inner goodness. It might seem to be a hierarchal order of 
dignity, however, it should rather be regarded as in the ruler is given the right to rule in 
terms of his capacity, i.e. agency to rule, than his decency.

Furthermore reason is an essential quality and predisposition emphasized in 
Western thought in justifying human rights, while in Eastern thought is centered on the 
method of emotion and inclination. It would be important for the purpose of providing a 
more universal justification for human rights to acknowledge that human beings are not 
just merely rational beings but also have an emotional component. As noted more so in 
Western thought, recent feminist and caring ethics highlight that what it means to be a 
human being is not just based on agency, but also includes feelings of sympathy, caring 
and humanity. Very similar to Eastern thought, these recent developments in Western 
thought do allude to the emotional and inclination based motivations for human rights.

In trying to make a case for equal human dignity I have tried to solve the often 
recurring underlying tensions of the human rights discussion. By bridging dichotomist 
concepts in Eastern and Western thought, I have tried to provide a more nuanced basis 
and inclusive universal justification for human rights. In the purpose of providing a basis 
for a justification that can truly be universal, justified independently from cultural and 
sociopolitical factors, and with high level of legitimacy. And provided that this 
justification is derived from a constructive framework based on prescriptive values, and 
is not subjective as in the political discussion, there are some merits in its legitimacy, and 
in arriving at a more universal conception of human dignity as a basis for universal 
human rights.

A NEW JUSTIFICATION FOR UNIVERSAL HUMAN RIGHTS

In trying to provide a stronger justification for universal human rights, we must 
first begin by making the connection between individually focused justifications for 
moral rights with those derived from collective moral principles. This connection must be 
a mutual one, in the sense that it is ultimately derived from one common and foundational 
moral principle. This would be a prescriptive moral principle that is inherent and
intuitive, timeless across centuries and extending beyond cultural borders. The universal justification for human rights that is provided here does not necessarily justify the moral principle itself because it is already inherent, as demonstrated before and supported by writings of Gewirth, Confucius, Kant, Buddhism, etc. Rather the key here is justifying the equal(ness) as in distribution and application of this moral principle, which in essence makes this universal.

There are various scholarly accounts of human dignity that emphasize the importance of this principle in multiple aspects of society and development, and employ human dignity as a fundamental justification for universal human rights. Recent writings include George Kateb on *Human Dignity* (2011), and Mark P. Lagon and Anthony Clark Arend on *Human Dignity and the Future of Global Institutions* (2014)

George Kateb investigates what human dignity actually is and why it matters in the human rights discussion. He notes that moral justifications for universal human rights to some extent compel governments to prevent and eliminate human suffering, contingent on the state’s capabilities to do so. He defines human dignity as the “existential value; value or worthiness is imputed to the identity of the person or the species.” His definition is based on a philosophical anthropological view, in the sense that dignity is not limited to human beings, but is also extended to all species. He argues that human species are unique compared to all other species and in this way human beings have a greater stature that exceeds those of other creatures, which is demonstrated in the great achievements of mankind, and that nature would be worse off without humanity. Given his understanding of dignity, a kind of anthropocentric foundation, Kateb asserts that universal human rights can only be defended by two indispensible equality factors. These are (1) morality and justice, and; (2) human dignity. He notes that the first have sound theoretical defenses, and that the latter do not necessarily have theoretical underpinnings but is justified by its own existential merits, essentially providing an axiomatic defense.

Kateb argues that the “the defense of human rights depends on both the existential notion of the equal status of every individual and the concept of the public morality of justice: typically, neither the existential component nor the moral claim is sufficient, but each is necessary, and together they are ordinarily necessary and sufficient, except when the moral claim seems to countenance, in the name of the reduction of suffering, the effacement of the existential or status consideration and thus mortally injures human dignity.” Similar to Kant, Kateb’s argument underscores that if one violates another’s dignity one is treating the other as less of a human being, and thus as a means. Here it is understood that human dignity is fundamental and if in ways are dishonored it means that the individual is not viewed as a human being’s.

Mark P. Lagon and Anthony Clark Arend argue “human dignity is the fundamental agency of human beings to apply their gifts to thrive. As such, it requires social recognition of each person’s inherent value and claim to equal access to opportunity. To be meaningful, human dignity must be institutionalized in practice and

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80 Ibid., 173.
Here they are providing a working definition for human dignity, to launch a normative agenda to deepen and refine this notion and to play a guiding role in the mission of international institutions. In this sense, their account of dignity extends beyond the general individualistic account of agency, as they urge the use of this principle in a greater sense, in which ought to be operated by global institutions. In this way human dignity can serve as an effective principle to drive global actors to do good with their institutions.

Their sense of human dignity is also requiring the recognition and respect for other individual’s inherent value. Equal dignity here asserts that given each person’s inherent dignity, all people can claim equal access to opportunities. Similar to my account of attempting to strengthen the justification of human rights by bridging different traditions on human dignity, they also argue that human dignity can “serve to cultivate shared moral and political grounds in a world divided along religious, social economic, and ideological lines.” Additionally, they argue that human dignity would serve as a greater force than human rights as this is something that morally ought not to be violated, while institutional rights can be.

Human dignity has more recently served to have a greater role in universally Justifying human rights. Across time and historical events we can start to see more of the use of human dignity in human rights conversation. For example in moving from the struggles of slavery, colonialism, white supremacy, racism, to current day issues of sexism, gender equality, and gay rights. In this sense we can see how the more often use of dignity is providing to take greater effect in improving human rights conditions.

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82 Ibid., 257.
Chapter 2.4

DEVELOPMENT OF INTERNATIONAL HUMAN RIGHTS

The justification of universal human rights presented here is based on the underlying principle of human dignity, which is the inherent value equally held by every individual and ought to be universally upheld and provided for. Dignity is a fundamental moral principle that is mutually inclusive of all. Equal human dignity is the bridging point and fundamental theme across traditions. As such, political or cultural relativist excuses for not upholding universal human rights would be more difficult to uphold.

In this chapter I have essentially tried to provide an account of my vision and outlook on human rights. The foundation of human rights is derived from the basic idea of dignity. Here I have tried to demonstrate that dignity is a fundamental value that is constant and universal. Dignity is equal for all, but the emergence and development of this quality is relative due to various factors. We can see elements of the development of human rights throughout history, which have allowed us to observe that there have been degrees of respect for human rights in the world, to the extent where one may assume that human rights are unequal and not universal. To some extent this is true, however the case here is to highlight that human dignity is not unequal despite demonstrations in real world events. A lack of development of human rights does not undermine one’s fundamental dignity; it only takes a longer time to get to the stage where dignity is completely upheld and protected. We can see this in the case of women rights, rights for different races, or rights of homosexuals.

We can start to note a trend where the West is evolving in the sense, which has allowed for connections across traditions. In some regards we have come to a better foundation based on a vision of universal dignity that would provide us a more substantial ground for solving issues in human rights. What I have tried to do in this chapter is to further this discussion of human dignity to create a more fundamental basis for dialogue between different traditions on topics of human rights. My purpose here is simply to prove that there is a basis for universal human rights, by providing an alternative view of a universally valid moral foundation for human rights across conflicting moral claims, so that we can actually solve conflicting rights claims by, i.e. bridging Eastern and Western visions.

The idea of rights is developed upon our consciousness and humanity, whether it has a divine, natural, or moral narrative. These natural affairs have developed into human affairs. Human rights are both established by secular, religious theories and philosophies. From these we have identified some common elements of human rights, allowed for the creation of normative standards, and understood that it is our duty to preserve our rights.

Across historical events and recent time of human conflict we can see some indications that there is an evolution of human rights. The source of human rights, provided a philosophical vision, is grounded in human nature, natural law, and natural rights. A historical development across time we can see how various religions, moral political philosophy, human rights beliefs have in someway contributed to and shaped the understanding we have of human rights today.\(^{83}\)

My view is that human rights are not only either historically developed, or always based on a basic sense of moral worth, nor do I perceive human rights as distinctively relative (circumstantial) or universal (transcendental)—rather these distinctive views are in fact one and the same, in the sense that they operate together.

The key here is that (1) the foundation of human rights, i.e. dignity is a natural value in a universal sense and is a fundamental condition embedded in all living beings, and (2) the practice of human rights is contingently relative to each being or community of beings’ cognitive and surrounding physical development. And the latter aspect does not undermine the fundamental condition and natural prerequisite of dignity, which is an equal condition for all beings.

As pointed out throughout the thesis, the central question, yielding disagreements on human rights values and practices, is the “reciprocal relationship between human beings both as individuals and members of communitarian society.”

It is the paradigm conflict of individual versus community. The West is in favor of individual motivations for human rights policies, while the East is in favor of communal motivations for human rights. Nonetheless, the point here is to draw your attention to the core of this issue, which is coming to a mutual agreement on universal human nature, social justice, universality of fundamental principles, and our moral responsibility. In a sense that we can move past our own culturally relative predispositions about how we assume rules-based and rights-based societies ought to be governed. Instead, I am trying to advocate for a more refined understanding of the motivations and circumstances that determine the roles and types of governance by various states.

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84 Ibid., 10.
I have in previous sections established that (1) that the political framework for productively and sustainably discussing of universal human rights is not enough because of many social conflicts. Thus, we must move this discussion to a philosophical framework independent of social, cultural and political factors; (2) that reaching a universal justification of human rights is possible by bridging two traditions, East and West, based on the principle of human dignity, and then using this view as a foundation for universal human rights other than the one used today (i.e. UDHR), in governance and administration.

This last chapter connects previous chapter two of political philosophy to international relations. This is a purely empirical chapter. Throughout my thesis I am presenting a sense of Cosmopolitan and Universalist worldview in terms of ethical international relations theory, and touching upon questions of: How does this worldview and outlook play out in “real” international political environment, and how does this model of universal human rights that I have suggested fit into a system of international anarchy? In this section I want to show how the human rights violations occurring today can be viewed in a different way other than the general conception from a Western lens. By better understanding the roots of human rights conflicts, we are better equipped to find solutions to ongoing cases of human rights violations, which eventually would allow for better formulated human rights policies that can respond effectively to the challenges involving difficult political situations. In many problematic worldwide scenarios, the core problem lies in how states ought to respond to challenging moral issues that arise when there are different cultural visions involved. So far there have been no real clear common standard on what values we ought to operate by.

In solving the problem, if states and other relevant human rights actors could better understand each other they would be able to more effectively come to a mutual cooperation for a peaceful world, such as the one based on fundamental dignity for all beings. We all ought to be governed by our basic humanity and compassion. By recognizing this we must develop and use new ways of governing, which are not based on a partial or relative view of human rights, but rather use the view I have provided as a truly universal justification and basis for human rights.

It is important to acknowledge that in present day there are already existing elements that demonstrate these “universal principles.” Or at least there is some progress and developments towards this ideal and worldview, for example as demonstrated through the existence of the UDHR, International Law, International Conventions on Human Rights, and the Responsibility to Protect. It is also important to note to that part of what is going on is that these universal values are emerging and is proving to be more effective for the development of human rights. In this chapter I will provide a philosophical and political context of the UDHR, and then do a case study of China, where I try to show an alternative outlook on their human rights violations. I will argue
and demonstrate the utility of my human dignity model and world outlook by example of identifying and exploring the promising developments of China’s position on human rights.
Chapter 3.1

UDHR: PHILOSOPHICAL AND POLITICAL CONTEXT

The UDHR can be regarded as the first event that truly proclaimed a universal vision for mankind. Thus, provided the political intricacies of this institution it is important to acknowledge the separation of human rights and international law, as they concern the question of jurisdictional claim. The human rights revolution begun with the UN Charter, which provided a momentum used by individuals to claim moral and legal obligations of states. During this period a series of human rights causes took shape, which opened up for the discussion on difficult political and philosophical questions.

There were several challenging philosophical questions at the discussion table of the International Bill on Human Rights. There were eight representatives and official diplomats at the table. They did not fully consolidate the challenging questions of philosophy, especially as representatives of their nations. It became a debate centered on moral core issues versus political interests. It was a “wrestle with moral diversity on a global scale,” and it was a conflict of national sovereignty versus human rights development. Despite the conflicts, in the end the purpose was to define a bill that would pass. The rigor and in-depth discussions on human rights and fundamental freedoms was lessened, and consequently prolonging the inescapable and challenging philosophical questions.

The human rights members were representatives of China, Lebanon, France, Philippines, Britain, India, Chile, Panama, Iran, Soviet Union, and the United States (as the Chair). The committee discussions covered an array of topics. For example the moral ones concerned whether the right of the state overrode individual rights versus if this international proclamation made the individual human person more valuable than any group or state. Sources of these proclamations originated from religious principles, natural law, and state authority. Indispensible was the question of whether civil rights or basic economic and social rights are to be prioritized first. In hoping to come to a consensus the members were trying to circumvent fundamental differences, moral chauvinism, and cultural imperialism. Despite many disagreements, eventually a consensus was reached. It concluded that these rights belong to all men everywhere and that there shall be no discrimination. Yet to come was the difficult challenge of implementing these abstract philosophical principles in practice.

It is important to acknowledge the difficult political environment during the work of the human rights commission. These political representatives had certain political instructions from their government. There were circumstances with higher political pressures as both the officials and their state were subject to public criticism. There was increasing fear among governments that individuals and groups would use the UDHR as a tool against them. In fact state’s themselves started to use the Declaration against each other (e.g. Soviet Union and the United States.) The Soviet Union called out the United States on human rights violations and discrimination of blacks, consequently the United States was in this case revealed to be hypocritical as a world leader that violated human rights within their own country. At this time everything was an open-door show with all

85 Lauren, The Evolution of International Human Rights, 212.
86 Ibid., 213.
informational access to governments’ human rights abuses. This contributed to certain hostility towards the commission on human rights and the United Nations, because it proved to be a threat to state’s national sovereignty and domestic jurisdiction. The dilemma centered around the protection of the well being of individual rights and the drastic limitations on national sovereignty.

In 1947 Geneva, the human rights commission determined that the International Bill of Rights was to have three components: (1) the Declaration, (2) a binding convention, and (3) specific measures for its implementation. This led to the drafts of the UDHR and the International Covenant on Human Rights, and offered suggestions of ways of implementation. Governments revised the language and content of the Declaration and thought about possible outcomes that might cause infringements. For example they considered the philosophical premises which it was based on, and analyzed the practical possibilities at home as well as in an international political situation. Nonetheless, there continued to be major disagreements, for example, China stressed the importance to include the right of equality. Another concern was the effectiveness of the UDHR. If enforcement would be included it would make the Declaration weak and ineffective.

87 Ibid., 225.
Chapter 3.2

CHINA AND HUMAN RIGHTS

One of the many pressing and ongoing human rights issues today is the case of China. There have been many debates on China and its human rights violations, which are often referred back to unjust foundation and implementation the UDHR. It is important for me to point out that the purpose of this chapter is not to diminish the contributions of the UDHR in the development of human rights, nor to justify China’s ongoing human rights violations. Rather in this section I want to provide a nuanced historical and political context to the complexity of the UDHR and China’s human rights violations. With a better understanding of this conflict we can more effectively develop future solutions to end human suffering.

UDHR: INTERNATIONAL INSTITUTION AND LAW

The traditional international law system emerged following the 1648 Peace of Westphalia. This system underlined the right of sovereignty and national self-determination. But it was not until 1948 the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly. UDHR was the first doctrine that introduced a universal norm in which all human beings have inherited rights. In the aftermath of the Second World War, following the atrocities of Nazi Germany and Japanese aggression, Antonio Cassese argued that many states used the UDHR as a policy tool in “blaming or denouncing other countries, or guiding their actions within international relations.”\(^88\) However in contemporary time and under the new international law system, the human rights doctrine that was initially established as a tool to advance state’s national interest. As a subversive theory, the Declaration has paradoxically forced states to hold themselves accountable to human rights violation in their own jurisdictions.

The UDHR is a normative framework and not legally binding, but it can be enforced by moral and political force.\(^89\) In its origin, the doctrine was imposed authoritatively by the hegemonic Western power states, namely the United States and European Countries, in the sense that third world countries did not have enough power and strength to make their own philosophical views heard at negotiation tables, and thus involuntarily consented to the UDHR. The Declaration is based on Western customary norms. It has been argued that Western imperialism have imposed its cultural code of conduct as a universal law through custom and treaty. Furthermore in its establishment, certain international legal norms particular to Western culture were enforced.

The dispute of internal and external sovereignty of UN member states remains a key factor in state’s justification for internal affairs despite violations of human rights as stated in the universal declaration. External intervention can only occur under the circumstances given that the human rights violations are carried out to the extent of repeatedly and massive violations to a specific group, such as in acts of genocide.


\(^{89}\) Ibid., 381.
Therefor e it is important to understand the context of a state’s human rights violations in terms of its circumstances, history, and development in the international system.

Given the complexity of the UDHR legitimacy and human rights theory, I have chosen to do a case study of People’s Republic of China drawing upon its history and account on human rights violations.

CHINA AND HUMAN RIGHTS

The People’s Republic of China was not until 1971 accepted as a member state of the United Nations. By signing in her membership, China is committed to follow the obligations, duties, and laws of United Nations, in all respects including abiding by the Universal Declaration of Human Rights. Following the collapse of the Soviet Union and the emergence of China as an aspiring regional and global power, she is now under constant scrutiny in the international arena. Provided China’s tumult history of change, rapid progression in global standing, and Western pressure of political and social reforms, it is difficult for China not to be subject of criticism. This occurred in the Tiananmen incident (1992) where the Chinese government silenced youth activist who was demanding democratic reforms. This placed China in the center of world media, and subject to criticism of human injustice and violation of the Universal Declaration of Human Rights. Worldwide cries calling for justice and reforms did not make China admit its accountability and alter her rule of domestic governance. China as well as other non-democratic countries do not fully abide by all the articles in the UDHR because they do not agree with its universal legitimacy.

EXPLAINING CHINA’S HUMAN RIGHTS VIOLATIONS AS OUTLINED IN THE UDHR

Many changes in recent time have affected the emergence of human rights in China. According to Jeff Haynes there are six important causes for the increasing global aspiration of human rights. These are: (1) the collapse of Soviet Union, (2) the fall of many authoritarian regimes, (3) dominance of capitalism, (4) global competitive economy, (5) transformation of production systems and labor markets, and (6) the revolution of media and consumerism. These values have emerged as the sole rightful system of governance, to the extent that those ideas, such as individualism are now perceived as the standard norms to follow. Westernization has become an internationalized concept, so has the concept of human rights through the development of Western influence, and it is now regarded as a universal principle. Since the development of the human rights concept, it has been subject to criticism for being unfairly implemented because all states had not given their full consent. There are not many other compelling justifications to make states obligated to follow the UDHR.

China has an important role in the discussion of the Universal Declaration of Human Rights because of many reasons. Edward Wu has noted three key factors to China’s significant position: (1) China is the biggest population in the world with 20% of the world’s inhabitants, (2) is viewed as major power, is one of the few major
communist-influenced nations left and is the largest developing country, and (3) has a distinctive history and culture. With its big population, it is only proportional that China and its people should have a say in the human rights discourse. The position China takes on human rights would contribute significantly to the legitimacy of the concept and being truly universal. China has as well a great deal of influence with its vast resources, and also because China is a major global power that have historically been communist. Consequently many other smaller communist and anti-Western states have an alternative major power to follow, other than the United States.

Essential to the discussion on human rights is China’s political culture of collective rights, which is regarded as the foundation of the country’s successful development as a third world state. For this reason we need to look at China’s political culture and fundamental value system. A major influence on Chinese political culture is the philosophy of Confucianism, which is driven by the notion ren that is the “love, humanity, [and] the virtue which makes us human beings.”90 In this view of living we are all regarded as fundamental equal beings. As listed in Howard J. Wiarda’s book on Non-Western Theories of Development (1999), there are structural differences in age, sex, family relationships, politics, and social composition. Fundamental values are important to nation state’s political culture, and in the Confucian thought “political authority is instituted by Heaven for the benefit of the people.”91 Confucius also fosters the idea of authoritarian ruling as the best form of political ruling for the interest of the people. This philosophy favors the collective pursuit over the individual pursuit. The notion of group solidarity is the primary principle of governing China even if this may restrict individuals’ freedom. Although, the People’s Republic of China is not strictly abiding by the rulings of Confucius’ beliefs as a religion, this thought of communitarian values has strong influences from Leninist and Maoist ideological teachings of collectivism. These fundamental values of communitarianism are found in China’s political culture and evident in her development as a nation state, which we can understand through China’s contemporary history.

China has suffered years of imperialism in the Opium War with the British from 1839 to 1842. China has been exploited many times by Western nations, and invaded by the Japanese in the 1931 Manchurian Crisis. China has also suffered from great Civil War between Mao Zedong, leader of Chinese Communist Party (CCP), and Chiang Kai-shek, the leader of Kuomintang (KMT). The People’s Republic of China was established in 1949. The old system of China favored the bourgeoisie and feudal landlords while the majority of the working class, was submissive.92 People’s Republic of China’s worldviews are based on ideological political thought that resembles the Leninist doctrine of opposing class struggles. Mao expressed in his Party politics in that “rights belonged only to the people and class enemies were to be ruthlessly suppressed,” the notion of universal human rights was therefore conceptually ruled out.93 The idea of rights during the rule of Mao had negative connotations as it symbolized the rich upper class that

90 Howard J. Wiarda, Non-Western Theories of Development: Regional versus Global Trends, (Fort Worth, TX: Harcourt Brace, 1999), 20.
91 Ibid., 21.
93 Ibid., 337.
enjoyed the privileges of having rights. The idea of having rights was a virtue. During Mao’s era hundreds of thousands of people was killed. In 1957, the Great Leap Forward Movement and the idea of collectivization for the motive of centralized economy brought an economic disaster and a famine to the country. Likewise, the Great Proletarian Cultural Revolution in 1966 was carried out to eliminate the possible emergence of capitalism and to reinforce the spirit of revolution, but instead this ended in a mass terror.

Deng Xiaoping ruled from 1978 to 1992 in the legacy of Mao. Deng was forced to use capitalist forces to reconstruct the failed economy, which opened up a free market system for foreign investments. This was an era of “de-maozation” and the “development of socialist democracy and legality.” This change in leadership made China more exposed to international observers and subject to criticism. In 1978, an Open-door policy was initiated, which allowed for radical changes. The government initiated some discourses on human rights. International lawyers on human rights were invited to share their advice, and Chinese scholars were examining this new concept. Among others, many scholars claimed that human rights had developed from originally being a concept mainly serving the capitalist class into a term embracing the common interest of all mankind and that no political system in the world, whatever its ideology, could publicly oppose the concept of human rights.

Since the 1982 adoption of China’s new constitution, changes and progressions towards fulfilling the basic human rights have been made. From taking an aggressive stand of previously rejecting human rights are now more conciliatory in its approach. Article 37 in the UDHR states that “unlawful detention or deprivation or restriction of citizens’ freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.” Although these rights was formally justified has however not been easy to carry out in practice. The Chinese constitution has included responses to the human injustices as seen in the Cultural Revolution and demonstrated a change in human rights outlook. This change was caused by many factors. Not only that China has learned from its history, but also that change was needed with their acceptance into the United Nations in October 25, 1971. Consequently, this has made China more accountable for its actions.

The United Nations’ Resolution 2758 recognizes “that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council.” After being denied entry to the UN for 22 years, China was finally accepted as a recognized state through the human rights principle of sovereignty. As People’s Republic of China accepted their membership to the UN, they agreed to follow the duties obliged by a member state, including the “faith in fundamental human rights.” Nevertheless, a combination of factors has held back China’s commitment to the principles of the UDHR. Among other factors Sino-Western

94 Ibid., 339.
95 Ibid., 339.
96 Ibid., 359.
97 Ibid., 351.
98 Chinese constitution implemented in 1982: Chinese Constitution
100 Charter of the United Nations: The UN Charter
relations remain restrained, because China still have some historical resentment over the British opium smuggling, the Korean War with the United States and furthermore the United Nation’s refusal and slow recognition of PRC as a sovereign state.

Since its acceptance into the United Nations, China has only supported particular aspects of human rights. These include favorable positions towards decolonization, racial discrimination, right to development and women’s rights. Furthermore, China have publicly opinioned their stand for “anti-imperialism, anti-colonialism, and anti-superpower hegemonianism.”

**PARTIAL VIEWS**

China is regarded as a prospective hegemonic state by the United States. In light of this role the Chinese government is currently violating many human rights of those outlined in the UDHR. These being the violation of basic human rights, the suppression of domestic political dissent, inability or unwillingness to regulate improper business and economic practices, aggressive behaviors towards its neighbors, and unsavory role in the proliferation of mass destruction weapons. Additionally the international media coverage of China and its actions in the Tiananmen Massacre, harsh living conditions, exploitative working conditions, policies towards Tibet and Burma, and the Nobel Peace Prize winner and Chinese dissident Liu Xiaobo, noticeably show some kind of violation of universal values of human rights. But these violations are not any different that any other super power, such as the United States that have a history of colonialism, slavery, racial discrimination, genocide towards the Native Americans, and the nuclear bomb on Hiroshima. Not only in its history but also today, in the United States there are thousands of homeless people without food and shelter. According to the UDHR this is a violation of basic human rights of survival.

The United States and many European states have a history of imperialism and neocolonialism, whereas numerous violations of human rights have occurred. On this note it opens up for many concerns on what are regarded as the most fundamental human rights values, on a state’s societal development and adaptability to abide to the UDHR, and on the normative question of the doctrine’s legitimacy. There is a difference in Eastern and Western beliefs, culture, history, tradition, and values. The Chinese way of living is largely influenced by Confucius thoughts while evangelical Christianity largely influences the United States. By characterizing these countries, China values communitarianism versus the value of individualism in the United States. This normative value, group versus individual, us versus me, changes the perspective on how we look at our society and others. These also form the foundation for a state’s political ideology and governance. China’s policies lean more towards socialism versus the focus of capitalism in the United States. As a result these fundamental values determine whether we value economic and security rights, or civil and political rights as our inalienable basic human rights. This comes down to a value judgment. In third world states human rights should

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be considered in relation to its ability to provide for these rights. Different perspectives in fundamental rights, are for example according to Yoshihiro Fukuyama,\(^{103}\) civil rights, religious rights, and political rights; and are according to Fouad A. Ajami\(^{104}\) the right to life, the right to not be subjected to torture, and the right to food.\(^{105}\) The choice of economic versus political rights depends on the state’s economic development.

China’s domestic affairs of human rights have been responded with high moral criticism from the West. Media coverage, human rights activists, civilians, and governments highlight China’s unjust actions. One may argue that these judgments are somewhat narrow-minded without considering the scope and nature of human rights. Since human rights violations occur greatly in highly advanced democratic countries such as the United States, Mark Malloch Brown, the former head of U.N. development program said “the West has focused too much on procedures – like multi-party elections – and is not open enough to the idea that other kinds of consensus might exist.”\(^{106}\) As mentioned earlier, the United States has violated many articles of the UDHR. Besides its history of genocide against the Native Americans, today there are many people suffering in the United States due to vast inequality and unequal distribution of wealth in the society.

Many academics such as Sitaraman, argue that United States and other highly advanced democracies perceive themselves as exceptionalist. Their long history of democracy, domestic political and judicial institutions, favors their political norms, values and laws above other ideological norms in the world. This argument raises the question: “if democracy can be an exception to the universal declaration of human rights, what about religious and cultural exceptions?” The United States have significantly contributed their power in times of hardship, such as ending the First World War and the Second World War. Furthermore prevailed against the Soviet Union and communism after the Cold War. All these efforts should be recognized. Nevertheless, the American cultural imperialism has emerged as a dominant Western culture, and has gradually developed into a global given cultural norm and also as the foundation for international law.

The United States and the West have indirectly influenced the universality of human rights with their fundamental values of the good and the right. Even Chinese dissidents note that Western influence is not ideal as they highlight that “it is not just Chinese influence that makes life hard for them; it is also the dithering of Western government which often temper their moral concerns with universal ones.”\(^{107}\) Imposing a political culture on another should not be justified, even in the name of human rights, as this causes disruption to nation building and questioning of nation states’ political identity.

Asian theorists argues that America should not be set as an example and role model based on its existing “racial discrimination, crime rate, deplorable educational system, divorce rate, sexual promiscuity, improvident ways, narcotics, epidemics.\(^{108}\) As

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\(^{103}\) Yoshihiro Fukuyama is an American political scientist, political economist, and author.

\(^{104}\) Fouad A. Ajami is a professor and writer on Middle Eastern issues.


\(^{107}\) Ibid., 105.

\(^{108}\) Wiarda, *Non-Western Theories of Development*, 38.
highlighted by Jeff Haynes: “To what extent are supposedly universal human rights norms any more than Western enthusiastic interpretations of ethnocentric interpretations of essentially individualistic rights.” There are many implications with the UDHR whether it is truly universal. Haynes explains that there are three reasons for which the UDHR can be asserted as universal. These are: (1) the 1948 Universal Declaration of Human Rights is signed by non-westerners; (2) Asian and African governments have demanded changes and adjustments to the declaration; (3) People who feel injustice have appealed to the Universal Declaration of Human Rights for justice.\(^{109}\)

**CHANGES TOWARDS HUMAN RIGHTS**

China has adjusted its views on human rights from initially denying the existence of human rights violation in their country. The People’s Republic of China has since 1980 “signed, ratified and participated in seven international human rights conventions,”\(^{110}\) demonstrating their willingness to change in a globalized world. In the Tiananmen Massacre, Western media placed much attention on China’s violations of human rights. People’s Republic of China spoke out, saying that they do not interfere with the United States domestic affairs, that it is put under international pressure, its sovereignty is being threatened, and that the West is undermining China’s governmental rule of domestic internal affairs.\(^{111}\) Furthermore, People’s Republic of China explain that they should not be judged based on the Universal Declaration of Human Rights, since the standards were not established on just grounds. They put forward an argument referred as the relativist-guoping position, arguing “international human rights norms should be interpreted and modified to make it consistent with China’s social, political, and cultural condition.”\(^{112}\) Similarly, following the event, in 1990 the Chinese government published their fundamental views of human rights. This document *Human Right in China* describe that “each nation has its own concept of human rights founded in its own political, economic and social system, and is free to implement international standards according to its specific cultural, historical, ideological, and political particularities.”\(^{113}\)

Parallel to this time an agreement on human rights emerged from the Association of South East Asian Nations. This consensus focuses on state sovereignty, non-interference, priority to the right of development and self-determination. Further development of these views where put forward, prior to the United Nations World Conference on Human Rights (1993). This was done in a meeting of Asian states in Thailand, where the Bangkok Declaration was established. This Declaration challenged the universal standards of human rights. Article 17 reaffirms “the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights, which must be realized through international cooperation, respect for fundamental human rights, the establishment of a monitoring mechanism and the creation of essential international conditions for the

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111 Ibid., 354.  
realization of such right.” At the end of the conference, there was an overall consensus among Asian states except, for the countries of the Philippines and Japan.

CHINA’S ACCOUNT ON HUMAN RIGHTS

China has repeatedly defended its human rights policies through a cultural relativist defense. Through the notion of cultural relativism the People’s Republic of China claims that “each individual culture has its own norms and rules of social and individual behavior, which human rights are observed in society is a function of its unique cultural characteristic.”

China’s account on human rights can be summarized in three points. Stated by Wu, these are: (1) the principle of state sovereignty and non-interference and international human rights, (2) the right to subsistence and development, and (3) the relationship between rights and duties. In the first account China states that as a sovereign nation they are fit to govern their country as they please as and as human rights is an internal affair no interference should occur. This shows that China values international law of state-sovereignty prior to the law protecting individual rights. In the second account, we need to recognize China’s history of being subject to Western imperialism and colonialism, and understand that many of its rights was infringed, among others the right to development. China has chosen to rule by economic development prior to freedom and rights. As Karl Marx notes “humans must satisfy their basic needs for food, shelter, and clothing before they can pursue matters of the mind and spirit.” Draconian policies are needed to maintain law and order in order to ensure stability. This is an essential component in economic development and prosperity. Furthermore economic development is a pre-condition for democracy. For the third account China stresses the importance that rights comes with duties. This includes social obligations and responsibilities to work for the collective and not only the individual, and to serve the greater good of happiness and well being. China’s long-term goal for the policies of human rights is to attain “economic development and reduce poverty, which they believe will eventually produce or lead to gradual openness, freedom of expression, and political competition.” Nevertheless, one may question how much authoritarian control and conformity is really necessary for this long-term goal of development.

114 Bangkok Declaration: The final declaration of the regional meeting for Asia of the world conference on human rights: Bangkok Declaration.
115 Haynes, Third World Politics, 127.
118 Ibid., 26.
Chapter 3.3

SINO-TIBETAN RELATIONS

On December 5, 2013 I visited Lhasa, Tibet Autonomous region of China. The train ride from Xining to Lhasa took 26 hours to travel across the Qinghai-Tibet plateau in Western China. After travelling through the vast landscape of mountains, valleys, and rivers, I finally arrived at the only train station in Lhasa. The first encounter was to show my travel permit when I existed the platform. While feeling the thin air being at the roof of the world, with great amazement and excitement I took out my camera to take a picture of the endless scenery. Instantly Chinese military officials approached and asked all visitors not to take pictures at this place. The second encounter was when I travelled through the town of Lhasa and visited the Potala Palace. I saw multiple Chinese flags on the rooftop of the low-leveled houses in the town and on the roof of the Potala Palace.

The instant reactions and understanding to these encounters, which my friends with Western background also felt, was that this was a direct indication of China’s suppression of Tibet, and the Chinese violations of Tibetans’ human rights. Given the Western narrative of Sino-Tibetan relations, this first reaction is understandable. However, this understanding does not capture the full story.

The purpose of this section is to provide a nuanced view and understanding of the Tibetan and Chinese conflict, independent of sociocultural and political factors. By understanding the deeper reasons and intentions behind China’s actions, we can then see the full side of the conflict. Only if we truly understand each other’s motivations can we through an open-dialogue come to a consensus, through an open-dialogue, on how to work on human rights issues, to improve existing and implement effective institutional mechanisms, and to move forward towards reaching a more peaceful world.

ANALYSIS AND REFLECTION: MY SYNTHESIS AND UNDERSTANDING OF CHINA’S INTENTIONS AND ACTIONS

The case of China-Tibetan conflict has a long and complicated history. The main dispute concerns the sovereignty of Tibet as its own state, or whether Tibet has historically been a part of the Chinese empire. Western media have often noted human rights advocates’ account of human rights violations in Tibet. Some of these highlighted human rights infringements involve freedom of expression, association, assembly, and religion. Criticisms of these infringements have gone back to the initial establishment of the UDHR. One of the recent human rights issues which sparked global attention on Sino-Tibetan relations was the case of the imprisoned dissident Liu Xiabo. In 2010 he was awarded the Nobel Peace Prize for his human rights advocacy for Tibetans in China. This event significantly highlighted China’s unreformed authoritarian political system. Following this event we can start to see some changes in the Chinese political system concerning its human rights policies. Human Rights Watch has indicated several promising policy changes in the latest World Reports on China and Tibet. China’s rapid socio-economic development has allowed for some relaxation on harsh human rights

policies and restriction on basic rights.\textsuperscript{120} Although the People’s Republic of China remains an authoritarian state that systematically enforces restrictions on certain human rights that are perceived to threaten the Chinese government, provided the new leadership in March 2013, Human Rights Watch has noted that the new Chinese leadership has worked towards positive human rights developments in certain areas.\textsuperscript{121} These include the policies of abolishing Re-education through Labor (RTL), and the arbitrary detention system, as well as reforming the hukou system of household registration and providing better university entrance exam access for persons with disability conditions.\textsuperscript{122} Underscored in these Human Rights Watch World Reports is the recognition that with improved socioeconomic conditions better human rights policies are afforded.

Corresponding with my model and the development of international human rights I will here try to demonstrate how the moral justification for human rights can provide a better understanding on the issue of Tibet and human rights. While also acknowledging the theoretical implications of my moral vision in practice, it should also be noted that my vision of universal human rights suggests in different stages and the progression towards fully developing human rights. In this section I will provide a synthesis of Sino-Tibetan relations in light of my proposed vision by discussing five themes: the history of human rights violations, China’s motivation, China’s leadership Mandate of Heaven, and development of human rights.

China has a history of human rights violations, namely, the Tiananmen Square massacre, the Great Leap Forward, policies dealing with ethnic minorities, (especially in the Western region), and Tibetan people. Given China’s history it is easy to perceive the government in the same light today. However, we must acknowledge that these major human rights events are history and also acknowledge that China has learned from these in one way or another. The government and the leadership have taken the consequences for these past events whether willingly or not. But these events have pushed China to address their human rights policies in order to serve their people better. Thus, what we see here is that China is progressing in terms of human rights development. This development does not occur over night but is a slow process that takes time. Given the Human Rights Watch Reports, we can see that China is evolving towards becoming more peaceful and making changes to provide for the assertion and protecting of basic human rights.

These changes are fostered by international pressure as well as domestic insurgencies, but in the end it is the fundamental understanding of human dignity and humanity that drives these changes. It is often noted that China allegedly is systematically discriminating against the Tibetans due to cultural and religious reasons. This view does not necessarily captures the full understanding of China’s intentions behind their policies. China has many ethnic minorities, including not only Tibetans (5.2 million) but also ten other groups, such as the Hui people and Chinese Muslims, who make up about 21 million out of China’s population. An ICJ Report on Tibet and China as early as 1960 stated that there was no "sufficient proof of the destruction of Tibetans as a race, nation or ethnic group as such by methods that can be regarded as genocide in international

\textsuperscript{120}Human Rights Watch (World Report 2014, China): Human Rights Watch
\textsuperscript{121}Human Rights Watch (World Report 2015, China): Human Rights Watch
\textsuperscript{122}Human Rights Watch (World Report 2015, China): Human Rights Watch
In light of China’s political culture that is highly influenced by Confucian and Buddhist teachings, China’s primary motivation is not to discriminate against any specific race, religion, or language. Rather the notion of group solidarity and humanity is the primary principle of ruling in China, even if at times this principle may lead to restrictions on the freedom of individuals. The PRC is not fully abiding by the rulings of spiritual and religious beliefs and codes, but the teachings of ancient Chinese thought are still very prevalent in the contemporary society. It is important to note that the government is still influenced by Leninist and Maoist ideological teachings of collective rights, which is not to be confused with Chinese thought of Confucianism and Buddhism. Nonetheless, the fundamental value of community and humanity are found in China’s political culture and is evident as well as important in her development as a nation state.

China’s motivation for her strict authoritarian policies and restraints on Tibetans human rights are not based on the discrimination or favoritism for a certain group of people or religion. Rather China’s motivation is (1) to prevent a revolution and social uprising from happening (because that would lead to enormous societal destruction, conflicts, and preventing stability for advancing the society) and (2) to maintain the harmony and prosperity of the society. It is these points that govern China’s human rights policies. Reflected in these we can recognize some elements of Confucius, Mencius, and Buddhist teachings of the goodness and harmony of every human being and society as a whole. This universal harmony is reached through recognizing others in the society, thus it is important to take this communal value into consideration in human rights discussions.

China’s actions are more a reflection and indication of the leadership’s motivation to protect the people and to allow for a safe environment with the best possible opportunities for growth and development. Governing China as a nation state is not a simple task, and rarely may any individual take on such a role with malicious intentions. Following the Mao era, China’s leadership is operating in an environment with corruption, constant fear and distrust, and high political and economic pressure. Thus there are certainly difficult conditions for leaders of China. Thus we should not presume malicious intent, but rather see how Chinese policy connects to different visions of how best to govern given its challenges. In maintaining Eastern thought and the underlying foundations for the Chinese society, Chinese leaders are guided by the virtues of compassion, wisdom, heartedness, goodness, filial piety, and duty. As such, these values and the fundamental understanding of societal harmony where basic human dignity is upheld and protected are what may reasonably motivate China’s human rights policies.

It is not always the case, however, that China’s leaders always have these intentions and operate by these fundamental values of human dignity. Thus, we might also consider the ancient thought of the Mandate of Heaven, where leaders are granted the power to govern their people based on their ability to be fair and good. Despite the ancient roots of this idea; the Mandate of Heaven is still an important political vision in China today. It is a fundamental Chinese belief that coheres with its past history, dynasties, and rulers. Although this idea identifies a distinct relationship between the ruler and its subjects, it does not differentiate between the worth of these disparate people as everyone still has equal dignity. The Mandate of Heaven only makes the distinction concerning a person’s capacity govern just and well. Thus, the people who take on this

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role as the leaders must have better judgment concerning their inclinations, which makes them more capable to be leaders than other people. However, the Mandate of Heaven requires that the leader must also be responsible, accountable, and act in the best interest of their people. If this is not the case and the leaders are acting on their own selfish interests, then they should be removed from this position by the people (i.e. through a revolution).

With respect to the case of Tibet, the Chinese leadership claims to be operating on the basis of justice. One of the things that must be considered here is that security and harmony between individuals and in the whole community of China is essential. Thus, if there are any activities that cause harm to others and disrupt this harmony, then it is the leaders’ responsibility to act accordingly. Thus, the Chinese government contends it is recognizing and upholding the dignity of all people in China. In some cases it must carry out policies that might indirectly violate people’s human rights, but in the long-term such actions would provide for better protection of human rights and equality for all people. If the Chinese government did not have their strict policies: an internal revolution could break out and lead to more cases of human dignity violations than what there are today.

Essentially universal human rights are a development process. And as more people recognize the importance of equal human dignity, this would eventually lead to more equal human rights and a better, universal understanding of human rights. And as we can see, the evolving understanding of human rights can also be developed faster by technology and communication, education, development of international institutions, and more economic cooperation and development. We can see evidence of this human rights progression in China with the emergence of middle class in the coastal region and eastern parts of China. Thus we can recognize that the western side of China, including the area of Tibet, is not at the same level of development as the eastern side of China. The human rights status of Tibetans is in relation to their capability of developing these. As of now, there are many religious and violent extremists on the western side of China, which is a major security issue to the rest of China. Thus, the Chinese leadership is acting with regards to this factor, and as a consequence Tibetans cannot fully exercise their individual and communal freedoms due to the instability in the region. However, I expect that this will change in the future with the development of China as a nation state.

**SUMMARY & IMPORTANCE**

Based on my research and study of China, I anticipate that the notion of economic development holds prior to social development. Economic and security rights are a prerequisite in order for political and civil rights to be domestically provided and sustained. Given this, I think China will gradually change its account on human rights and will allow for more civil and political rights with respect to its own pace of societal progression. And if China is not willing to open up for democratic reforms, sooner or later rapid global pressure will make it impossible for continual human rights violations, as the rise of domestic insurgencies and heavy resistance from the Chinese people themselves will come about. Although human dignity is still being violated today, development of human rights legitimacy will come in time reflective of each state’s own societal progression. Globalization, the effects of democratic reforms, the international
trade system, and individual advocacy will eventually foster human rights, which will eventually gain a more well-accepted universal foundation.
CONCLUSION

The main purpose behind this thesis is to find ways to solve the intellectual challenges concerning the fundamental basis for human rights, in order to strengthening the universal validity of the UDHR. The role of the UDHR serves primarily as an account of rights. It does not adequately explain why we have these rights. Thus, the universal justification for UDHR needs to be strengthened and to become more comprehensive so that it can be agreed upon by everybody.

The political framework for justifying human rights is not enough because it is muddled by political, social, and cultural factors. These problems with the contemporary understandings and representations of human rights can be dealt with by exploring human rights using a philosophical framework that transcends political, cultural, and social factors. I have demonstrated ways that the Western and Eastern traditions can come together on the shared vision of human dignity. This common ground will ultimately provide for a better foundation for solving difficult human rights issues in practice. Human dignity is universal across all cultures and equal for all individuals. More awareness and recognition of this innate value will lead to greater reconciliation between Eastern and Western traditions. Only with better understanding of our own and of others’ fundamental value and the rights that follow can we reach a more peaceful world with less suffering. In light of this, we can also start to see a universal emergence of international human rights in an evolutionary sense. Thus, human dignity enables us to speak about ways to improve the Universal Declaration of Human Rights.

The development of human rights is aligned with the development of openness, and accessibility, but also in terms of economic and social conditions. Historical indications of this pattern of development are the establishment of the United Nations, international law, the Universal Declaration of Human Rights, and the Responsibility to Protect. We can also see these human rights developments in China as the state is becoming more democratic and supportive of universal human rights. In recent years we can see that China has started to take on greater responsibility as an emerging great nation, by increasing its assistance in humanitarian conflicts and stepping up its commitment to finding solutions to environmental concerns. China has also initiated domestic programs for human rights development, human rights research centers, and reforms on the Chinese legal system. What drive these actions are not only political motivations but also fundamental goodness and humanity. And as we start to recognize human dignity in not only ourselves but in others, we are also acknowledging our obligations to serve humanity. The UDHR is much different today than what it was when originally founded. Rather than the importance of the mere document itself, I have tried to capture the universal foundations for the vision of the evolving importance of the broad vision of human rights. The Declaration has gone beyond the original intention of its framers. It has developed, and this development reflects new understandings of rights that are moving beyond their original intent. The crucial point here is fostering a dialogue and a vision of universal human rights that is grounded on a universal vision of human dignity. The evolving understanding of human rights will benefit from my model, as the human rights dialogue is constant, ever-evolving, and unending.
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Annex

(1) THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,
Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by
teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier
penalty be imposed than the one that was applicable at the time the penal
offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home
or correspondence, nor to attacks upon his honour and reputation. Everyone has
the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the
   borders of each State.
2. Everyone has the right to leave any country, including his own, and to
   return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from
   persecution.
2. This right may not be invoked in the case of prosecutions genuinely
   arising from non-political crimes or from acts contrary to the purposes and
   principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to
   change his nationality.

Article 16
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21
1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
(2) PERSONAL PHOTOGRAPHY OF LHASA, TIBET (DECEMBER 5, 2013)