

SATANIC CARTOONS: Rights and Responsibilities in a Post-Colonial World



**Rev. James L. Fredericks, Ph.D.
Loyola Marymount University
Los Angeles**

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On 30 September, 2005, a conservative Danish newspaper, the Jyllands-Posten, published 12 cartoons depicting the Prophet Muhammad. In response, various Muslim groups in Denmark staged protests, claiming that the images of Muhammad were blasphemous and insulting. Some time later, a delegation of Imams from the Islamic Society of Denmark traveled through the Middle East with a forty-three page dossier documenting the cartoons.¹ Demonstrations against these cartoons were organized in the Gaza Strip, Lebanon and Pakistan, among other places. Death threats have been hurled against the cartoonists, some of whom have gone into hiding, reminiscent of the fate of Salmon Rushdie after the Ayatollah Khomeini, Supreme Leader of the Islamic Republic of Iran, issued a fatwa calling for the death of the author of *The Satanic Verses*. Danish goods have been boycotted in various Muslim countries. Diplomatic offices of Denmark and the European Union have been vandalized in various Muslim countries. Anders Fogh Rasmussen, the Danish Prime Minister, was repeatedly asked to issue a formal apology to the Muslim community world-wide. In refusing, Mr. Rasmussen explained that, "... the government does not control the media or a newspaper outlet; that would be in violation of the freedom of speech." Subsequently, some Arab countries closed their embassies in Copenhagen and the Arab League demanded that the United Nations censure Denmark. Bomb threats were directed against the newspaper on 30 January and again on 1 February. In addition, Louise Arbour, the High Commissioner for Human Rights of the United Nations, announced an investigation into the publication of the cartoons and the council of Europe criticized the Danish government for not taking action against the newspaper.

Denmark has anti-blasphemy laws on its books. On 28 October, several Muslim organizations filed a civil complaint against the newspaper referring to sections 140 and 266b of the Danish Criminal Code, which prohibit disturbing the public order by ridiculing or insulting the teachings of any religious community. Anti-blasphemy laws have not been enforced in Denmark since 1938. A criminal investigation of the Jyllands-Posten was initiated and ended with no charges being filed on 6 January, 2006.

This chronology recounts only the highlights of the controversy. The background to these bare-bones facts is illuminating. The cartoons were originally published with an article decrying the self-censorship of the European press in regard to Islam by the culture editor of the Jyllands-Posten, Flemming Rose. The Danish writer Kare Bluitgen had been unable to find an artist willing to illustrate his children's book on the life of Muhammad. Artists approached turned down the offer claiming that they were afraid of being assaulted by Muslims. One artist cited the murder of Theo van Gogh in Amsterdam. Another declined because of an assault on a lecturer at the Carsten Niebuhr Institute at the University of Copenhagen who had read the Qur'an to non-Muslims. In the article by Rose, entitled, "Muhammad's Angst," Rose claimed that "modern, secular society is rejected by some Muslims," and that these Muslims "demand a special position" in society that is "incompatible with contemporary democracy and freedom of speech." In a pluralistic democracy, religious believers "must be ready to put up with insults, mockery and ridicule." Danish society, according to Rose is on a "slippery slope where no-one can tell how the self-censorship will end."²

In addition, there has been much discussion about the activities of Ahmad Abu Laban, a leader of the Islamic Society of Denmark. Mr. Laban is alleged to have been responsible for adding the extra images of Muhammad to the original twelve in order to inflame anti-Danish sentiment in the Middle East. He is accused of scheming to become the "Sultan of Denmark." His activities are associated with an attempt by Wahabi extremists to thwart the emergence of a modern, democratic Islam in Europe that is accommodated to the cultural pluralism and secularism of Western society.

This recounting of events and their background allow for several observations. First, the initial publication of the offensive images of Muhammad are not merely another example of a right-wing newspaper doing a little Muslim-baiting. Flemming Rose, whatever opinion one might have of his editorial judgment, is a journalist seeking to expose the intimidation of free speech imposed by means of self-censorship done in the name of religious sensitivity. In an op-ed piece in the Washington Post, he defended his editorial decision to print the cartoons as follows,

Has Jyllands-Posten insulted and disrespected Islam? It certainly didn't intend to. But what does respect mean? When I visit a mosque, I show my respect by taking off my

¹ According to some reports, the original twelve cartoons had been supplemented with three more images, including one showing the Prophet fornicating with a dog.

² Flemming Rose, "Muhammeds angst," Jyllands-Posten, 30 June, 2005.

shoes. I follow the customs, just as I do in a church, synagogue or other holy place. But if a believer demands that I, as a nonbeliever, observe his taboos in the public domain, he is not asking for my respect, but for my submission. And that is incompatible with a secular democracy.³

Neither can this controversy be dismissed as nothing more than religious demagoguery on the part of ambitious and extremist Muslim clerics set on taking advantage of a sensitive situation. Dr. Shaaz Mahboob, a spokesman for Progressive British Muslims, noted that

Quite apart from upsetting and humiliating Muslims, who hold the Prophet Mohammed (pbuh) very dear, we are concerned by the implication the images, one of which implies that the Prophet Mohammed (pbuh) was a terrorist. In doing so, the majority of law-abiding and tolerant Muslims are demonized for following a man who is portrayed in this way.

In Denmark, the controversy has sparked the formation of the “Demokratiske muslimer,” an organization eager to promote a critical engagement of Islam and Western secular values. Internationally, a group of Muslims found the cartoons to be “incendiary, insulting and very abrasive,” but then went on to state,

We affirm our belief in freedom of expression and people’s right to express whatever opinions they hold. However, at the same time there is a need to realize that freedom of expression is a responsibility that should not be used to gratuitously insult people’s beliefs.⁴

Underneath the outrage and indignation on both sides of the controversy, lies the unresolved question of rights and responsibilities in contemporary society – the right of free speech and the freedom of the press, but also the responsibility to use speech civilly, especially in regard to minority communities. In this essay, I will argue that certain aspects of what is now generally referred to as “globalization” is making the task of balancing rights and responsibilities more difficult today. I am also going to argue that the way in which globalization exacerbates the problem of rights and responsibilities is crucial for understanding tensions between the government of China and Western nations in regard to human rights. More specifically, I think the case of the “satanic cartoons” allows us to revisit the debate on Confucianism and human rights with new insight. Before looking at the implications of this case for China, I want to make some observations about the cartoons from the vantage-point of an important theme in the literature of globalization, the “de-territorialization” of cultural systems.

GLOBALIZATION AND POST-COLONIALISM

After the fall of the Berlin Wall, Francis Fukuyama wrote of the collapse of Soviet collectivism as the “end of history.”⁵ The end of the Cold War, in Fukuyama’s view, demanded the universal recognition of the values espoused by the Western democracies: the rights of the autonomous individual, minimal governance, and neo-Liberal economics. Like V.S. Naipal, who has famously claimed that the West is a “universal civilization” that “fits all men,”⁶ Fukuyama argued that the ancient quest for a social order that can be universally affirmed had at long last been fulfilled. Of course, the unfolding of events since the ending of the Cold War have not been kind to Fukuyama. Since the fall of the Berlin Wall, we have witnessed the rise or the resurgence of multiple alternatives to democratic pluralism and the values of the democracies rooted in the European Enlightenment: among Serbs and Tamils, ethnic nationalism; among Muslims in places as different as Iran, Pakistan, Nigeria and Indonesia, religious nationalism.

³ Flemming Rose, “Why I Published Those Cartoons,” Washington Post, 19 February, 2006.

⁴ <http://www.sorrynorwaydenmark.com/>

⁵ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

⁶ Naipal made this claim on several occasions including a lecture given at the Manhattan Institute entitled, “Our Universal Civilization” on 30 October, 1990. See <http://www.manhattan-institute.org/html/wl1990.htm>.

The Asian values debate promoted by Lee Kwan Yew in Singapore and Mahathir bin Mohamad in Malaysia, and the various critics of “human rights imperialism” in mainland China also represent alternatives to Fukuyama’s hopes for an “end of history.”⁷ Samuel Huntington’s prognostication regarding a “clash of civilizations” as opposed to an “end of history” in the aftermath of the Cold War has both its champions and its critics.⁸ In fine, Huntington claims that ideological conflict between economic systems is being replaced by conflict between “civilizations,” which he defines as the “highest level of culture.” Huntington argues that the world is made up of eight civilizations, the West, China, the Islamic world, India, the Slavic world, Latin America and (perhaps) Africa. Clashes between civilizations occur along the boundaries that separate them: Palestine, Yugoslavia, Kashmir, the US-Mexican border, etc. With Huntington, I must reluctantly recognize that we are witnessing a clash of civilizations. Huntington’s understanding of a civilization as a discrete territory, akin to the notion of a nation-state with defined borders, however, is in need of revision. This leads to a consideration of the notion of “deterritorialization” in the literature of globalization.

The “deterritorialization of cultural systems” was originally noted by two French thinkers, Gilles Deleuze and Felix Guattari, but quickly taken up by sociologists and anthropologists.⁹ Trans-national communications technologies and migration erode the traditional link between cultural systems (like a religious or ethnic community) and territory. *Pace* Huntington, “Hindu civilization” is not confined to its traditional territory south of the Himalaya. Communications technologies and migration allows Hindu civilization to occupy multiple territories, including London, Singapore and Johannesburg. Pakistani cab drivers in Manhattan listen to sermons preached by their imams in Islamabad by means cassette tape. Increasingly, keeping in touch with your imam is possible by means of satellite radio and wi-fi pod-cast. Tibetan Buddhism, which developed its distinct character in no small part due to its isolation atop the Tibetan plateau, has become deterritorialized since 1959, maintained as a cultural system by jet air travel, the internet and the international charisma of the Dalai Lama. Deterritorialization is not merely another version of “multiculturalism.” Rather, Deleuze and the others have recognized that cultural systems are no longer tied to a territory as in the past. Cultural identity, as dependent on territory for coherence and stability, is being deconstructed and reconstructed by means of global communications and transportation technologies.

Attenuating the link between cultural systems and territory challenges the stability and coherence of the nation-state as a pluralistic polity which transcends religious and ethnic identities. Deterritorialization also facilitates the revival of regional, ethnic and religious identities as alternatives to national identity.¹⁰ Take for example the prolonged violence in France’s *banlieux* by youths of North African descent. For hard-line officials like Nicolas Sarkozy, these youths may have been “scum” (*racaille*). However, the message of not a few of these youths was that “we are not French. We have not been accepted as French. We are Muslims.” The point to be taken is not that these youths have embraced a militant and intolerant form of Islam, but rather that they do not consider themselves part of the French nation, i.e. the secular society of the Fifth Republic. Not only is being a Muslim seen as an alternative to being French, being a Muslim does not require one to return to Algeria or Morocco. The phenomenon of deterritorialization can be seen at work in the controversy over the satanic cartoons as well. The Dar-al-Islam used to be defined, in part, by its territorial integrity. Post-colonial migration and modern communication technologies, however, have allowed Muslims to co-inhabit political space with a Western secular society, Denmark, without severing their ties with the Dar-al-Islam. As a result, the Dar-al-Islam and Western secular society as “imagined spaces” have collided - in Denmark, but in various other places as well.

⁷ For a critique of the “Asian values” argument, see Jack Donnelly, “Human Rights and Asian Values: A Defense of ‘Western’ Universalism,” in *The East Asian Challenge to Human Rights* (New York: Cambridge University Press, 1999), pp. 60-87.

⁸ See for example Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: Norton, 2006).

⁹ Gilles Deleuze and Felix Guattari, *Anti-Oedipus* (New York: Viking, 1977); Jose Casanova, “Religion, the New Millennium and Globalization,” *Sociology of Religion*, vol. 62:4 (2001), pp. 415-441, and Arjun Appadurai, *Modernity at Large* (Minneapolis: University of Minnesota Press, 1996).

¹⁰ Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization*, pp. 158 ff.

CONFUCIANISM AND HUMAN RIGHTS

In my view, the deterritorialization of cultural systems helps to illuminate the on-going debate about human rights in China. The Chinese government's conflict with certain Western nations and NGOs over what it calls "human rights imperialism" and "interference in China's internal affairs" is driven, in no small way, by the deterritorialization of the European Enlightenment and its affirmation of universal human rights. Obviously, this is a topic that exceeds the limits of a short essay. I will focus my reflections on the lively discussion regarding Confucianism and human rights.

In early October, 1994, the government of the People's Republic celebrated the overthrow of the Manchu dynasty by sponsoring an international conference on Confucianism. Lee Kwan Yew 李光耀 (Li Guangyao), a principle speaker at the conference, addressed his remarks before several members of the Politburo. Lee rejected the notion that Confucianism was a drag on economic development. To the contrary, Confucianism promotes a strong work ethic, social solidarity and sense of civic responsibility. In fact, Lee recognized the Confucian ethic as key to Singapore's success as a city-state. Singapore's "Senior Minister" also urged his hosts to look on Confucianism as an alternative to the rampant individualism and destructive libertarianism of the West.

Lee's comments were well received. In fact, a limited "rehabilitation" of Confucius had started after the trial of the "Gang of Four" under Deng Xiaoping 鄧小平 with the cooperation of a group of Party members known loosely as the "New Conservatives."¹¹ The Chinese government sponsored a conference on Confucian thought in Hangzhou in 1984 which made Confucianism no longer a taboo subject on the Mainland. Also in 1984, the government founded Confucian research institutions in Beijing and Qufu, K'ung Futsu's birthplace. These institutions advanced the view that social harmony, not the endless class struggle of the cultural revolution, was the preferable path to national prosperity. Interest in Confucian thought continued under Jiang Zemin 江澤民 and continues today with the support of Hu Jintao 胡錦濤, arguably because Confucianism is seen by the leadership as an alternative to both a failed Marxist orthodoxy and the chaotic individualism implicit in the slogan "to get rich is glorious."

In addition to Lew Kwan Yew, Professor William Theodore de Bary of Columbia University spoke at the 1994 conference in Beijing. De Bary, arguably the dean of Confucian scholars in the West, was less sanguine about the prospect of Confucianism as a national ideology for a modernized China. Historically, Confucianism has emphasized centralized authority and civic responsibilities, not the civil and human rights promoted by Western Liberalism. Confucianism has had little to say about imposing restrictions on the state in order to provide individuals with immunities and entitlements from certain governmental actions. In the Confucian tradition, the individual does not hold any "trumps" over the government, to borrow Ronald Dworkin's famous metaphor.¹² To what extent is Confucianism compatible with the modern Western ethos of rights? In taking its place among the community of nations, China will have to deal with the assertion of rights by the West. Can Confucianism, being promoted by the leadership as an alternative to both Marxist orthodoxy and libertarian capitalism, embrace the notion of human rights?

De Bary's lecture at the 1994 Beijing conference pumped energy into the debate about Confucianism and human rights, both in China and the West. At the risk of oversimplifying arguments that are carefully nuanced, I wish to argue that three basic positions have emerged in the discussion, at least among scholars writing in Western languages. The first position argues that, although the tradition does not speak of rights explicitly, the ethos of human rights is compatible with the Confucian worldview. This argument takes two forms. According to one version, human rights are not intrinsically a reflection of the culture of the European Enlightenment. Rights are legal instruments guaranteeing immunities and entitlements to individuals that can be affirmed from a variety of cultural, religious and ethical standpoints, including Confucianism. Tu Weiming, for example, argues that the Confucian values of social duty and moral self-cultivation provide a basis for insuring human rights, and in fact, a more stable basis than the competitive individualism and moral relativism that has grown out of the

¹¹ Randall Peerenboom, "Confucian Harmony and Freedom of Thought," in William Theodore de Bary and Tu Weiming, eds., *Confucianism and Human Rights* (New York: Columbia University Press, 1998), p. 237.

¹² See Ronald M. Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977).

Enlightenment worldview.¹³ The other form of this argument holds that there is an ethos of rights implicit within the Confucian tradition itself.¹⁴ According to this approach, the duty to observe Confucian rites [禮] establishes an implicit “right” for individuals. Many of those who take this position acknowledge that Confucianism is more suited to the affirmation of the so-called “second generation” (i.e. social and economic) rights than “first generation” political rights (i.e. freedom of the press and freedom of speech). Generally, these authors are hopeful that a reinvigorated Confucianism can provide an indigenous basis for China to embrace the ethos of human rights.

A second position on the question of Confucianism and human rights maintains that the Confucian duty to observe rites does not in fact imply that individuals enjoy rights. Randall Peerenboom’s work is a particularly good example of this position.¹⁵ Peerenboom emphasizes the cultural contrasts separating Western Liberalism, with its pragmatic acceptance of pluralism and the pursuit of self-interest, from Confucianism, with its idealization of social harmony and emphasis on social duties. These differences reflect even more profound differences in understandings of the nature of the human person and society. The European Enlightenment imagined society as an amalgam of a-social individuals with competing interests. Government is not a natural good (in contrast to medieval Christian political theory), but rather the result of social contract, playing a necessary but minimal role in protecting individuals from the predatory instincts of their neighbors. Human rights are limitations placed on government that provide individuals with certain clearly specified immunities from government intervention. In Confucian tradition, society is imagined as an organic whole whose harmony reflects the order of the cosmos. The individual within this society is construed as a nexus of social relationships (the “five relations.”) Government is rooted in the cosmic order and legitimated by heavenly mandate, not social contract. This traditional Chinese cultural system produced an ethical synthesis of individual, society and government that emphasizes social and civic responsibilities maintained by the practice of rites [禮]. According to Peerenboom, the notion of rights, understood in the Western sense as restrictions on government that insure immunities for individuals, is simply incoherent within the Confucian worldview. In fact, the Confucian emphasis on rites has worked against the rise of the rule of law in China and its embrace of the West’s ethos of human rights. Despite this fact, Peerenboom calls for a dialogue with the rights ethos of Western Liberalism.

A third position has been put forward by Henry Rosemont Jr. In this view, human rights are not only unknown in Confucianism, they are incompatible with it. Going beyond Peerenboom, Rosemont argues that an attempt to incorporate the rhetoric of human rights into Confucian discourse would be a mistake: the Confucian ethos of responsibility is superior to the Western preoccupation with asserting rights. At the root of Rosemont’s argument is his claim that the notion of rights is a part of a cluster of concepts that originated in the European Enlightenment and is a constitutive element in the worldview of Western Liberalism. A “concept cluster,” as Rosemont uses the phrase, denotes a system of related claims which underpin a given philosophical worldview.¹⁶ Confucianism and Western Liberalism operate with incompatible “concept clusters.” Peerenboom’s linkage of the organic cosmos with the innate sociality of the human person in the Confucian worldview is an example of a concept cluster. The Enlightenment’s notion of an autonomous individual in a “state of nature” and the social-contract theory is another example. In Rosemont’s view, the Confucian emphasis on social and civic responsibilities is consonant with the traditional Chinese concept cluster. The emergence of the notion of rights in Europe in the seventeenth century is, likewise, consonant with the concept cluster of the Enlightenment worldview. Rosemont has argued that Confucian ethics cannot embrace the Western notion of human rights because it is part of a concept cluster foreign to Confucianism. In his

¹³ Tu Weiming, “Epilogue: Human Rights as a Confucian Moral Discourse,” in William Theodore de Bary and Tu Weiming eds., *Confucianism and Human Rights* (New York: Columbia University Press, 1998), pp. 297-307.

¹⁴ See for example D.W.Y Kwok, “On the Rights and Rites of Being Human,” in William Theodore de Bary and Tu Weiming eds, *Confucianism and Human Rights* (New York: Columbia University Press, 1998), pp. 83-93; Fred Dallmayr, “Asian Values and Global Human Rights,” in *Philosophy East and West* Vol. 52 (April, 2002), pp. 173-189; and Roger T. Ames, “Rites as Rights: The Confucian Alternative,” in Leroy Rouner, ed., *Human Rights and the World’s Religions*, (Notre Dame: University of Notre Dame Press, 1988), pp. 205-206;

¹⁵ See for example, Randall Peerenboom, “Confucian Harmony and Freedom of Thought: The Right to Think Versus Right Thinking,” in William Theodore de Bary and Tu Weiming eds, *Confucianism and Human Rights* (New York: Columbia University Press, 1998), pp. 234-260.

¹⁶ Rosemont employs his notion of a “concept cluster” ubiquitously in his published works. See, *inter alia*, Henry Rosemont, Jr., “Why Take Rights Seriously? A Confucian Critique,” in Leroy S. Rouner, ed., *Human Rights and the World’s Religions* (Notre Dame: University of Notre Dame Press, 1988), pp. 168, 173-174.

more recent writing, Rosemont goes further than simply asserting the incompatibility of Confucianism with the West's ethos of rights. The West's preoccupation with rights, at the expense of social responsibility, is a symptom of a social problem inherent in the Enlightenment's fundamentally a-social understanding of the human person and constitutes what Robert Bellah and others have labeled "pathological individualism."¹⁷ According to social contract theory, individuals are not naturally social, but rather engaged in what Hobbs called a "war of all on all," at least in a "state of nature." The social contract is a voluntary mitigation of unrestricted freedoms entered into in order to establish social order. This vision of the human person and society is part of a cluster of concepts within which rights are asserted as a way of keeping the role of government to the minimum necessary to protect the interests of the individual. The responsibilities of the individual to society are not featured in social contract theory. Rosemont concludes that the Confucian worldview is not only incompatible with the ethos of rights, but actually superior to this ethos because of its vision of social responsibility.

The debate about Confucianism and human rights needs to be recast in light of the phenomenon of the deterritorialization of cultural systems in this post-colonial era. Of course, the debate itself is a sign of deterritorialization, *viz.*, the deterritorialization of Western Liberalism driven by communication and transportation technologies and their penetration of China. The philosopher Richard Rorty, I believe, would welcome this. Rorty addresses the issue of "human rights imperialism" by means of his neo-Pragmatist philosophy.¹⁸ The idea of human rights, he argues, is not universal. The notion of rights is a relatively recent Western invention. Rights are not based in a universal natural law or human nature. They have no basis in any metaphysical views whatsoever. The idea of human rights is a moral intuition that needs to be made practical by means of statutory law and international agreement. Rights constitute a "language" in that they are a recent way the West has developed for talking about ourselves and shaping our relationships. Rights are a "culture" which is relatively well established in the West and needs to be exported to other parts of the world. The task before us is to make this human rights culture more coherent and appealing to other people. Increasingly, global communication and transportation technologies deterritorialize the culture of human rights. Whether these technologies are also making rights more appealing to other people is another question. Protests about "non-interference in China's internal affairs" notwithstanding, the People's Republic will have to deal with the destabilizing effects of the deterritorialization of the culture of human rights.

However, if the controversy over the "satanic cartoons" is any indication, Western Liberalism now has to deal with the deterritorialization of cultural systems with values at variance to its own in a way it has never imagined in the past. Too much of the discussion of the cartoon controversy, at least in the West, had to do with automatic support of the freedom of the press with no mention of civic responsibility. Contemporary human rights discourse needs to be enriched by a discourse that takes civic responsibility seriously. This latter observation suggests a future course for developing the debate between Confucianism and Western Liberalism. What follows are but two practical suggestions.

First, we need to resist the temptation to essentialize Chinese and Western traditions. One very possible response to the challenge posed by the deterritorialization of human rights would be for Confucianism to be enlisted in the construction of China as a "spiritual civilization" – here understood as a culture that is about responsibility, not rights, in conscious opposition to a construction of Western Liberalism that is about rights and not responsibilities. This would be a self-serving ideological exercise of essentializing both China and the West. Often, assertions about "Asian values" vis-à-vis an allegedly decadent Western individualism serve this ideological purpose. Let me hasten to note that Henry Rosemont is not calling for an essentialization of "East and West." His championing of Confucianism as an alternative to Western Liberalism, however, could be enlisted in service of this self-serving ideology.

¹⁷ See Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (New York: Harper and Row, 1985). The reference is to what Bellah and his colleagues call "expressive individualism" in American society, but he traces the roots of this "pathology" to the European Enlightenment.

¹⁸ Richard Rorty, "Human Rights, Rationality, and Sentimentality," in S. Shute & S. Hurley, eds., *On Human Rights: The Oxford Amnesty Lectures 1993*, (New York; Basic Books, 1993).

As an alternative to a Confucian fundamentalism in service to the construction of an essentialized view of Chinese civilization which excludes human rights, I stand with Sumner Twiss and his call for a trans-cultural constructive social ethics. I am less optimistic about his hopes for a relatively more “comprehensive concept cluster” capable of reconciling an assertion of human rights with a strong emphasis on civic responsibility. The emergence of such a comprehensive worldview is unlikely anytime in the near future. Instead, as a more practical course of action, I suggest we look for the mutual transformation of both Western Liberalism and Confucianism by means of a critical dialogue. This dialogue would not only require Confucianism to engage the Liberal ethos of rights in depth. It would also require Western Liberalism to engage the Confucian ethos of civic responsibility with equal depth and seriousness. This hope for a mutual transformation through dialogue is based on the presupposition that the notion of “concept clusters,” as used by Henry Rosemont, requires some fine tuning. The value of this approach to cultural systems as diffuse as “Confucianism” and “Western Liberalism” is that it allows us to respect both as systems of symbols with their own internal coherence and requirements. The internal coherence and requirements of these systems needs to be respected. Thus introducing the notion of rights, as understood by Western Liberalism, into the Confucian concept cluster is not as easy as some might hope. On the other hand, concept clusters should not be essentialized into closed systems. Confucianism and Western Liberalism are living traditions, not static abstractions. As traditions, they exhibit both continuity and innovation in response to changing historical circumstances. In this respect, both Confucianism and Western Liberalism have demonstrated an internal coherence (a cluster of concepts with their own internal demand for systematic order) and an openness to change in response to changing circumstances.

In addition, the debate about rights and responsibilities needs to be widened to include marginalized traditions in the West. The tradition of civic virtue may be in retreat, currently, but it is by no means unknown. The retrieval of Western traditions of civic responsibility will enrich both Western Liberalism and Confucianism. I will mention two promising examples. First, the moral philosopher Alasdair MacIntyre has begun a lively discussion among American intellectuals in his efforts to retrieve the tradition of virtue ethics that goes back to Plato, and especially, Aristotle.¹⁹ In his seminal work, *After Virtue*, MacIntyre emphasizes the importance of morally cultivated individuals contributing to the formation of a community wherein responsibilities, including civic responsibilities, are coherent and discernable. Virtue ethics, to the extent that it emphasizes the development of moral character, can be contrasted with other ethical theories which are focused less on the character of the moral agent in favor of the specifics of an ethical action itself. Deontological ethics, for example, is rooted in the recognition of various duties or obligations owed to individuals. Immanuel Kant, one of the great proponents of deontological ethics in the European Enlightenment, argued that ethics begins in the recognition of universal moral laws, discerned by reason which transcends cultural specificities, to which an autonomous individual must give assent. These universal moral laws require us to recognize that all human beings must be treated as a moral end, never as a means to an end. The historical relationship between deontological ethics and the Enlightenment’s hopes regarding a universal practical reason helps to explain the connection between the West’s human rights ethos and deontological ethical thinking. The universality of moral law implies that individuals have rights, i.e. that all individuals enjoy certain immunities and entitlements. In contrast, virtue ethics focuses not on specific moral dilemmas or universal claims about moral law. Rather virtue ethics gives attention to the personal characteristics that promote what Aristotle calls, in his *Nicomachean Ethics*, *eudaimonia* (excellence or human flourishing).

Given the breakdown of the Enlightenment’s hope in universal reason, and especially in light of the challenges posed by the deterritorialization of cultural systems, MacIntyre’s call for a return to the Aristotelian tradition of virtue ethics is intriguing. Cultural systems exhibit significant variability in their vision of the moral good and conception of rationality. According to MacIntyre, moral values gain stability, coherence and plausibility not by asserting their universality, but by rooting them within a living tradition of discourse, i.e. by locating moral values within the “concept clusters” of various

¹⁹ The revival of virtue ethics began with G.E.M. Anscombe in the 1950s and continued with the work of Philippa Foot and Alasdair MacIntyre. For Anscombe, see “Modern Moral Philosophy,” in *Philosophy*, vol. 33 (1958), pp. 1-19. For Foot, see *Virtues and Vices* (Berkeley: University of California Press, 1978). For MacIntyre, see *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1984).

cultural systems. I would go beyond MacIntyre by noting that the deterritorialization of cultural systems requires us to recognize that moral values gain stability, coherence and plausibility by placing them in dialogue with the moral values of others. The point is not that human rights universalism needs to be questioned. The European Enlightenment's pretense to universality is already being questioned. Instead, my claim is that the rejuvenation of virtue ethics suggests that the ethos of human rights will be strengthened, first, by being situated within the intellectual tradition of the European Enlightenment and the economic tradition of bourgeois Liberalism and, second, by being placed in dialogue with Confucianism. The dialogue with Confucianism may prove especially interesting because of the Chinese tradition's focus on the individual's social relations. Aristotle, although his virtue ethics explicitly addresses civic virtues, tends to focus on the interior orientation of the soul.²⁰

In addition to the contemporary revival of virtue ethics in the United States, there is a related body of thought which speaks to the question of rights and responsibilities that will prove to be significant to the dialogue between Western Liberalism and Confucianism, *viz.*, the social teaching of the Catholic Church.²¹ Starting in 1891, the Catholic Church began to address itself to the social injustices that arose in tandem with the industrialization of Europe. In the 1960s, Pope John XXIII incorporated the notion of human rights into this developing body of social teachings. Pope John Paul II related this developing moral vision of society to problems of justice associated with globalization.²² In its dialogue with Western Liberalism, Confucians will find Catholic social teaching of interest to the extent that it embraces human rights in a principled way that has not entailed the marginalization of civic responsibility. Moreover, this body of teachings has been in dialogue with Western Liberalism on the issue of rights and responsibilities for over one hundred years.

The Catholic Church's embrace of human rights is based on its doctrine of human dignity (*dignitas humanae*). All human persons, regardless of their moral character, have been created in the image of God. As such, they enjoy a dignity that must be recognized by individuals and society. The human person has a transcendent value that cannot be compromised by a utilitarian calculus. This innate dignity is an act of God, not an individual's personal achievement and not a privilege awarded the individual by a government. Since it is not a personal achievement, this dignity cannot be forfeited due to immoral behavior. Since it is not bestowed by a government, neither can this dignity be revoked by a government. In the famous phrase of Leo XIII's encyclical *Rerum novarum* (1891), "Man precedes the state."²³ This God-given dignity, therefore, serves as a basis for affirming that all human persons enjoy certain immunities and entitlements. According to the teaching of Pope John XXIII in his encyclical *Pacem in terris*, recent history has witnessed the rise of the notion of "human rights," which is a useful way of affirming the truth of the innate dignity of the human person. There is a direct connection, therefore, between the affirmation of human dignity and the realization of this truth in the political sphere in the form of human rights.

John XXIII embraced human rights with enthusiasm. His successor, Paul VI, was more tentative in his approach and more aware of the abuse of the notion of rights as an ideology supporting Liberal individualism and what he called "unbridled Liberalism."²⁴ The affirmation of human rights must be part of what Jacques Maritain called "integral humanism."²⁵ In other words, the dignity of the human person requires us to endorse not only economic and political rights, but social and cultural rights as well. In addition, human dignity requires us to refuse to construe rights apart from the civic responsibilities the individual owes to society.

²⁰ For a comparison of Aristotle and Confucius, see Jiyuan Yu, "Virtue: Confucius and Aristotle," in *Philosophy East and West*, Vol. 48, No. 2 (Apr., 1998), pp. 323-347.

²¹ For recent works on this tradition of social thought, see *Modern Catholic Social Teaching: Commentaries and Interpretations*, Kenneth Himes ed. (Washington DC: Georgetown University Press, 2005) and Charles Curran, *Catholic Social Teaching, 1891-Present: A Historical, Theological and Ethical Analysis* (Washington DC: Georgetown University Press, 2002).

²² See for example, the treatment of the notion of "interdependence," which elsewhere I have argued is a synonym for "globalization" in John Paul II's encyclical, *Sollicitudo rei socialis*, especially chapter three.

²³ *Rerum novarum* no. 7.

²⁴ *Populorum progressio* no. 26.

²⁵ Jacques Maritain, *Integral Humanism: Temporal and Spiritual Problems of a New Christendom* (New York: Scribner, 1968).

With this problem in mind Paul VI and his successor, John Paul II, supplemented the doctrine of human dignity with the principle of human solidarity. Confucians will recognize much of their own tradition of social thought in this Catholic doctrine. According to the principle of solidarity, the human person is social by nature. This view is contrary to the Contractarian philosophers of the Western Liberal tradition, but has much in common with the Confucian worldview. Community is essential to the realization of human dignity and the fulfillment of the human potential for moral achievement. Social existence, therefore, is not something added on to human nature, but rather intrinsic to it. Moreover, the principle of solidarity requires us to recognize that the state is not only necessary, but also natural, an affirmation that is likewise in opposition to social contract theory but commonly held by Confucian thinkers. Government is not a necessary evil, tolerated as a means of avoiding what Hobbs called “the war of all on all,” but a positive force for promoting the common good. Social relations based on social contract theory, therefore, do not constitute solidarity in the demanding sense with which it is understood in Catholic social thought. If the innate dignity of the human person requires us to recognize human rights, our innate solidarity requires us to recognize that we are never free from social responsibilities.

How might the principles of human dignity and solidarity serve as a guide for Confucians in the retrieval of their own tradition in face of the challenge being posed by Western Liberalism? The Catholic principle of human dignity (*dignitas humanae*) needs to be placed in dialogue with the Confucian principle of humane character (*ren* 仁) as a preliminary step in asking how Confucian virtue ethics might serve as a basis for affirming human rights. Perhaps Catholic reflection on the relationship of dignity and solidarity may provide insights for Confucians as they attempt to affirm rights without mitigating their strong sense of social responsibility. The dialogue, however, must not stop there. Confucians and Catholics need to enter into dialogue with Western Liberals, challenging Liberal notions of the human person and asking how a more adequate philosophical anthropology might provide a basis for a deeper affirmation of civic responsibility.

The controversy over the satanic cartoons has passed. The issue these cartoons raised, the relationship of rights and responsibilities in societies where cultural systems are increasingly deterritorialized, will be with us for the foreseeable future. The same may be said in regard to the question of China, the West, Confucianism and Western Liberalism.