A Human Rights Debate on Physical Security, Political Liberty, and the Confucian Tradition

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Abstract There are many East and West debates on human rights. One of them is whether all civil and political rights are human rights. On one hand, scholars generally agree that rights to physical security are human rights. On the other hand, some scholars argue that rights to political liberty are only Western rights but not human rights because political liberty conflicts with some East Asian cultural factors, especially the Confucian tradition. I argue that physical security also conflicts with some parts of the Confucian tradition, but rights to physical security are still human rights because physical security is a minimal value. I then argue that political liberty, similar to physical security, is also a minimal value. Therefore, similar to rights to physical security, rights to political liberty are also human rights, even though political liberty also conflicts with some parts of the Confucian tradition.

Keywords Human rights · Physical security · Political liberty · Confucianism · Minimal values

1 Introduction

There are different human rights debates between the East and the West. The history of these debates can be traced to the end of the 19th century, when East Asian people began to discuss Western concepts of rights. Since then, there have been many debates and dialogues, the best-known of which is the “Asian values debate” in the early 1990s. Another well-known debate concerns the long-standing dispute between the Chinese U.S. governments, in which the U.S. government criticizes the Chinese government for numerous violations of human rights, and the Chinese government continually responds to these challenges.

Among all of the debates, the one I focus on in this essay concerns whether some civil and political rights are not human rights. On one hand, most scholars generally
agree that some civil rights, especially rights against torture and rights against slavery, are human rights (for convenience, hereafter I call them “rights to physical security”). On the other hand, some argue that traditional political rights in the West, such as rights to freedom of speech, political participation, and democracy, are not human rights (for convenience, hereafter I call them “rights to political liberty”). Some scholars, such as Daniel A. Bell, argue that rights to political liberty are not human rights because political liberty conflicts with some East Asian cultural factors, especially what can be called the “Confucian tradition”—a cultural tradition based on Confucianism.

In this essay, I evaluate such a human rights debate in depth. I discuss what the Confucian tradition is, and I explain the relationship between different rights and the Confucian tradition. I argue that if rights to political liberty are not human rights because political liberty conflicts with at least a part of the Confucian tradition, then rights to physical security are also not human rights because physical security also conflicts with at least a part of the Confucian tradition. Next, I show that both political liberty and physical security are important to some parts of the Confucian tradition. I discuss and evaluate the idea that rights to physical security are human rights because physical security is a minimal value. I explain what a minimal value is, and then argue that since physical security is a minimal value, rights to physical security are still human rights even if physical security conflicts with at least a part of the Confucian tradition. I then argue that political liberty, similar to physical security, is also a minimal value. Therefore, similar to rights to physical security, rights to political liberty are also human rights even though political liberty also conflicts with at least a part of the Confucian tradition. In a word, both rights to physical security and rights to political liberty face the same situation in this East and West human rights debate.

2 Conflicts Between Rights to Political Liberty and the Confucian Tradition

Daniel Bell thinks that human rights “are universal because they apply in all cultural contexts,” and that the controversial part “is to specify the content of universal human rights. Which rights are fundamental, universally valid human rights, and which ones are locally valid, ‘peripheral’ rights?” (Bell 1999: 849) To Bell the answer is based on cultural contexts, and this is exactly where he believes that the East and the West have different answers. He writes:

A human rights regime is supposed to protect our basic humanity—the fundamental human goods (or needs or interests) that underpin any “reasonable” conception of human flourishing. But which human goods are fundamental? … It is possible that most politically relevant actors, both officials and intellectuals, in East Asian societies typically endorse a somewhat different set of fundamental human goods than their counterparts in Western societies now and for the foreseeable future. Different societies may typically have different ideas regarding which human goods must be protected regardless of competing considerations, and which human goods can be legitimately subject to trade-offs with other goods as part of everyday politics. (Bell 2006a: 72–73)\(^1\)

\(^1\) Similar ideas can also be found in Bell 1996: 660–663, and 2000: 83–88.