

◆ Programme ◆

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New Debates on Human Rights and East Asian Philosophical Traditions: Confucianism and Beyond	
19/1/2022, Wednesday	
Time	Opening Ceremony Chairperson: Dr. Benedict CHAN
09:00-09:15	Opening Speeches <ul style="list-style-type: none"> - Ellen Y. ZHANG, Director, Centre for Applied Ethics; Head & Professor, Department of Religion and Philosophy, Hong Kong Baptist University - Benedict CHAN, Associate Director, Centre for Applied Ethics; Associate Professor, Department of Religion and Philosophy, Hong Kong Baptist University - Baldwin WONG, Assistant Professor, Department of Social Science, The Hang Seng University of Hong Kong <p>Group Picture</p>

Time	Session I Chairperson: Dr. KWOK Wai Luen
09:15-09:50	1. Wenqing ZHAO (Whitman College, USA) “A Confucian Perspective on the Right to Bereavement”----- p. 3 Respondent: James ROONEY (Hong Kong Baptist University)
09:50-10:00	Q&A
10:00-10:35	2. Zhuoyao (Peter) LI (St. John’s University, USA) “Political Confucianism and the Rights to Toleration” ----- p. 3 Respondent: KWOK Chi (Lingnan University)
10:35-10:45	Q&A
10:45-11:00	Break

Time	Session II Chairperson: Dr. George MAK
11:00-11:35	3. Ellen ZHANG (Hong Kong Baptist University) “The Challenge of Group Rights: A Buddhist Perspective” ----- p. 4 Respondent: Chris Man-Kong LI (UOW College Hong Kong)
11:35-11:45	Q&A
11:45-12:20	4. William SIN (The Education University of Hong Kong) “Confucianism, Cognitive Disability, and Moral Status” ----- p. 5 Respondent: Andrew BRENNER (Hong Kong Baptist University)
12:20-12:30	Q&A
12:30-14:30	Lunch

Time	Session III Chairperson: Prof. ZHANG Jiji
14:30-15:05	5. Simon WONG (Hong Kong Baptist University) “Law of the Will (<i>Tian Li</i>) and the Determination of Human Rights” ----- p. 6 Respondent: Anselm LAM (The Chinese University of Hong Kong)
15:05-15:15	Q&A
15:15-15:50	6. Benedict CHAN (Hong Kong Baptist University) “Human Rights to Privacy, Dignity, and Confucianism: Limitations and Beyond” --- p. 7 Respondent: Kevin IP Ka Wai (Hong Kong Baptist University)
15:50-16:00	Q&A
16:00-16:15	Break

Time	Session IV Chairperson: Dr. Mark BOONE
16:15-16:50	7. Baldwin WONG (The Hang Seng University of Hong Kong) “A Right to Etiquette: A Discussion of Workplace Rights from a Xunzian Perspective” – P. 8 Respondent: WONG Muk Yan (The Hang Seng University of Hong Kong)
16:50-17:00	Q&A
17:00-17:35	8. Pak hang WONG (H&M Group Sweden) “Epistemic Rights, Human Rights, and Confucian Epistemology” ----- P. 9 Respondent: Andy WONG (The Hang Seng University of Hong Kong)
17:35-17:45	Q&A
17:45-18:00	Closing Remark

◇ Abstract ◇

Session I

A Confucian Perspective on the Right to Bereavement

Wenqing ZHAO (Whitman College, USA)

There have been sizable discussions over whether one is entitled to time off from work when becoming a parent to a child, namely the right to parental leave. However, not much has been said about whether we should have the right to take time off to grieve when we lose a parent. In this paper, I reconstruct a classical Confucian argument for the right to bereavement. Classical Confucianism advocates for a societal structure that supports extended periods of time in which people focus on grieving the losses of close family members, especially elderly parents and grandparents. In the eyes of classical Confucian philosophy, it is both necessary and good to take time to focus on ritualized rumination over the deceased. Moreover, the society as a collective has a stake in the issue, and the government is obligated to provide the proper structural support for the time and space to bereavement. When translated into contemporary Western political language, this constitutes a right to bereavement. The classical Confucian perspective is particularly valuable as it sheds light on this often-neglected aspect of human life in Western political discourse.

Political Confucianism and the Rights to Toleration

Zhuoyao (Peter) LI (St. John's University, USA)

Recent Confucian political theories have often taken for granted the public support for a Confucian state. On the one hand, comprehensive political Confucianism argues that the state should publicly endorse Confucianism. On the other hand, moderate political Confucianism suggests that Confucian values and ideals should at least serve as the source of political

imagination in East Asian societies. What both sides have neglected is the prospect of non-Confucian citizens and their rights to toleration for their non-Confucian identities and ways of life. In this paper, I will argue that it is unclear how comprehensive political Confucianism can make room for non-Confucian citizens' rights to toleration. Furthermore, I will show that moderate political Confucianism cannot meaningfully support non-Confucian citizens' rights to toleration without adopting some form of political neutrality. Specifically, I will distinguish between a strong view of political neutrality that requires public reason that is not associated with any comprehensive doctrine, and a weak view of political neutrality where political decisions are based on freestanding values widely shared among many comprehensive doctrines. I will argue that meaningful support of non-Confucian citizens' rights to toleration in a Confucian society requires at least the weak view of political neutrality, which effectively sets the limit for how Confucian a Confucian state can be without sacrificing non-Confucian citizens' rights to toleration.

Session II

The Challenge of Group Rights: A Buddhist Perspective

Ellen ZHANG (Hong Kong Baptist University)

Human rights, inscribed as international law through the UN's Universal Declaration of Human Rights in 1948 and subsequent human rights conventions, aims to protect the individual against powerful institutions of the state, society, religion, or others. The concept of rights is built on individual dignity, autonomy, and self-determination. In recent decades, the notion of individual rights has been extended to emphasize more on collective legal entities and collective rights in terms of race, gender, class, or nation. In this paper, I will approach the problem of collective rights or group rights in human rights from the Buddhist ideas of dharma, karma, and the principle of causality.

Confucianism, Cognitive Disability, and Moral Status

William SIN (The Education University of Hong Kong)

It is central to all declarations and charters of human rights that people would not be discriminated for being old. The criteria of healthcare distribution, therefore, must not contain reference to people's cognitive performance that typically results from the process of aging. However, it would not violate anyone's rights if we disregard only the claims of those who fail to meet the condition of personhood. Individuals have rights and are worthy of respect insofar as they are autonomous, capable of self-consciousness, and can make rational decisions for their own well-being. For the elderly people who suffer from severe cognitive impairment, they may have lost the ability to understand the meanings of social relationships that were dear to them, the ability to recognise their children, or may confuse about the places and times of their existence. On a certain "individually-based account" of personhood, these elderly people are treading the margins of, if not outside, the realm of rights (McMahan 2002; Korsgaard 1996).

Is it possible to account for the moral status of these cognitively impaired elderly? In this paper, drawing reference from Confucian role ethics, I will explain the moral importance of these individuals who, despite suffering from progressive cognitive impairment, still have "a place in a matrix of relationships embedded in social practices through which the relations acquire meanings" (Kittay 2005; see also Ames 2011). That said, as a "group-based account" of moral status, I think Confucianism would provide a resourceful complement – rather than a counterpart – to the individually-based view.

Reference

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Korsgaard, C., (1996). *The Sources of Normativity*. Cambridge: Cambridge University Press.

McMahan, J., (2002). *The Ethics of Killing: Problems at the Margins of Life*. New York: Oxford.

Session III

Law of the Will (*Tian Li*) and the Determination of Human Rights

Simon WONG (Hong Kong Baptist University)

In the debate of the applicability of human rights in Asian countries, a vaguely defined notion of “Asian values” is often invoked in defense of the reluctance of some Asian countries to fully accommodate the dominant political paradigm of human rights, which largely has its historical origin in the West. Amidst the various interpretations of “Asian values” in the debate, Confucianism is often considered one of the most important cultural legacies and philosophical doctrines from which the values are derived. This paper does not attempt to resolve the apparent conflicts between the so-called “Asian values” and the dominant paradigm of human rights. Instead, the paper will argue that in a more philosophical interpretation of the Confucian tradition, the doctrine is not only compatible with the current paradigm of human rights but may also shed light on our understanding of the nature of human rights. First, by focusing on the law of the will, or *Tian Li*, Confucianism makes possible a renewed understanding of the justification of human rights from the perspective of a moral will. Second, the renewed understanding first point in turn offers a more convincing account of the relationship between the traditional and non-traditional human rights. Third, the Confucian interpretation of human rights also offers a more comprehensive and defensible account of the fundamental nature of the various international declarations and treaties on human rights and the necessary principles in their enforcement on an international level. To illustrate the three points more clearly, the paper will turn to the example of the human right to privacy and argue that, from the perspective of Confucianism, privacy right may rightly be considered a human right and its nature should

be understood under a more dynamic framework than an overly rigid separation between traditional and non-traditional human rights.

Human Rights to Privacy, Dignity, and Confucianism: Limitations and Beyond

Benedict CHAN (Hong Kong Baptist University)

In this big data era, our information may easily be found on the internet and revealed to others without our consent. How to handle and balance the conflict between privacy and surveillance is a topic that everyone should think about. One way to deal with the moral issues of privacy and technology is by the rights talk. Although privacy is mentioned in international documents as a kind of civil and political rights, privacy rights are usually not considered as traditional human rights and it is open for debate whether moral human rights to privacy exist. While the debates are still ongoing in the West, this paper focuses on how to use Confucianism to contribute to the discussions on human rights and privacy, and what is the limitations of such a Confucian approach. Some Confucian notions like the concept of privacy, especially ‘Szu’ (Private) and ‘Yin’ (Hide), will be discussed. Another focus is the Confucian debate on the concept of dignity and human rights. There is a debate about whether the Confucian notion ‘Tian Jue’ (Nobility of Heaven) is similar to the concept of dignity. I argue that if we hold a minimal and pluralistic framework of human rights, then it is possible to embed some Confucian notions into the debate of human rights to privacy. Yet this approach has limitations. It is open for different Confucian interpretations, and it does not imply the traditional senses of human rights. To make this approach useful, we need to go beyond traditional ways to discuss Confucianism and human rights. I use some practical privacy issues in the Covid-19 pandemic to illustrate my arguments.

Session IV

A Right to Etiquette: A Discussion of Workplace Rights from a Xunzian Perspective

Baldwin WONG (The Hang Seng University of Hong Kong)

Scholars have long argued that workplace rights are important human rights and ought to be statutorily recognized. However, they usually focus on freedom of collective bargaining, abolition of forced labor, and freedom from discrimination (Kolben 2009). In this article, I argue that the recent discussions on workplace rights overlook the harm of “rude boss”. We could imagine a rude boss, like Steve Jobs, that is mean and cruel to his employees, though he still respects employees’ workplaces rights. This kind of rude boss is harmful to a democratic society because they create a disrespectful ethos in the workplace. Working in such an environment, citizens would get used to unequal social relationships and disrespectful ways of treating others. This weakens the civic virtues of citizens, such as mutual respect and civility, and thus undermines the stability of a democratic society. I, therefore, argue that workplace rights should include *a right to etiquette*. An ancient Chinese thinker Xunzi’s (310-235BC) analysis of etiquette is helpful here (Olberding 2015; Yang 2021). I shall reconstruct two arguments of Xunzi and show that civic virtues can be strengthened by working in an environment that etiquette is commonly practiced. First, etiquette can protect powerless workers from microaggressions. Due to reciprocity, workers are then more willing to treat others civilly. Secondly, etiquette can tame and transform natural desires and impulses. Through the day-by-day practice of etiquettes, treating others respectfully can become a kind of action that workers do unconsciously (Slingerland 2014). In conclusion, the right to etiquette can create a more civil workplace that benefits democracy.

Reference

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Epistemic Rights, Human Rights, and Confucian Epistemology

Pak hang WONG (H&M Group Sweden)

Recently, Mathias Risse (2021, also see Kerner & Risse 2021, Watson 2018) proposes that epistemic rights should be considered as the fourth generation of human rights as human life moves from an analogue form of life to a *digital(ised)* form of life. Risse argues that in the digital form of life, individuals are engaged primarily as *epistemic actors*, i.e., the knowers and knowns, and that protection of epistemic rights are essential for individuals to exercising epistemic actorhood, thereby living *as individuals* in digital lifeworlds. Based on his account of epistemic actorhood and four values, i.e., welfare, autonomy, dignity, and self-government, Risse outlines a list of (epistemic) rights to be protected as human rights. Both the account of epistemic actorhood and some of the values, e.g., autonomy and self-government, can be and have been challenged from a Confucian perspective, however. This article aims to explore the possibility and plausibility to view epistemic rights as human rights from a Confucian perspective. Drawing on the recent discussion in Confucian epistemology (see, e.g., Hetherington & Lai 2015; DeLapp 2016; Lai 2016), I shall elaborate on a Confucian view of epistemic actorhood and discuss whether such an account affords individuals epistemic rights as well as epistemic rights as human rights.

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