GLOBALIZING CULTURAL VALUES
INTERNATIONAL HUMAN RIGHTS DISCOURSE AS MORAL PERSUASION

Chenyang Li[*]

Abstract: Shared articulations of moral values across societies in the global age are like common currencies in globalized economy. No currency is pre-determined to be a world currency; no single articulation of moral values is pre-determined to be globally shared. The ultimate goal of the international human rights discourse is to promote certain moral values through persuasion; it should not be merely forcing people to change their behavior, but rather convincing people to accept certain moral values that they have not explicitly embraced or to embrace certain moral values as more important than they have previously held. This, I maintain, is the nature of the international human rights discourse.

I argue that the ultimate goal of the international human rights discourse is to promote certain moral values through persuasion; it should not be merely forcing people to change their behavior, but rather convincing people to accept certain moral values that they have not explicitly embraced or to embrace certain moral values as more important than they have held previously. In the current international human rights discourse, broadly speaking, persuasion has already taken place, along with other means such as threat, coercion, and even military intervention. The purpose of my argument here is to clearly define and clarify such a goal. I will first support this understanding of the international human rights discourse as moral persuasion by examining the global background of the international human rights discourse process, and then examine various alternatives to this approach as well as various ways of persuasion. Finally, I will draw conclusions on the limits of the human rights movement if we accept this discourse as a process of moral persuasion.

I. A Historical Perspective

Let me start with the relation between moral values and community. By moral values I mean preferences on which one builds decisions for action that have ethical implications. It could be argued that, in the end, every preference has ethical implications (e.g., a strict utilitarian approach), but it is also true that some values are more directly morally relevant than others. In this essay I am primarily concerned with values that have direct moral relevance.

We human beings live in communities. A community is a group of people who share more or less similar morals and values. The degree of this similarity may vary and shared values may change. We may say that there are different levels of

[*]Dr. CHENYANG LI, Professor, Department of Philosophy, Central Washington University, USA; Nanyang Technological University, Singapore. Email: CYLI@ntu.edu.sg.

communities and that communities overlap and change. But clearly, individuals who share absolutely no common values and who are not involved in shaping these values cannot be members of the same community in the moral sense. Because evaluative activities are intrinsic to the very existence of a community, without shared morals and values, no community can operate. Various cultures and societies have different moral codes and hence different prevalent moral values. In ancient Greece, the Athenians and the Spartans were evidently two different communities with different moral codes, even though neither was entirely homogeneous. In ancient China, Zhou and Chu had varied prevalent values.[1] Naturally one feels more comfortable in dealing with people with similar values and moral codes, and feels less comfortable with people with varied values and moral codes. There was no major problem with different values across societies in preindustrial ages, because there was little communication and exchange of ethical ideas between societies. It was easy and natural for one to believe that all other cultures were barbarian simply because they did not conform to one's own "tested" morals. The Greeks certainly thought this way, and so did the Chinese. It is arguable that, in those old days, all peoples were ethical universalists, not because they saw universally accepted or practiced morals—which certainly did not exist—but because they believed that their own morals were the only right ones and all other peoples, in order to be civilized, must adopt these morals. In retrospect, one can hardly make a case for any single civilization's claim to the only right way—all others being wrong. But because of isolation there was no practical need for people to contemplate whether it was possible for moral values different from one's own to be valid.[2]

Modern economy and technology have changed the world and has brought us an entirely different environment. It has made it possible for us to communicate, trade, and travel across societies to a greater extent than ever before. Televisions show happenings from all over the world instantly. People in different countries can log on to Internet and see what people in other parts of the world are doing. In this way, modern technology puts the entire world in front of us. It has reduced, though not eliminated, the distance between societies. Technology has brought us into a global village, and now forces us to face one another in a global community in an inevitable way.

Unlike a natural community, into which members have evolved or been born, the global village is in a sense an artificial community that was created in a relatively short period of time; it includes members of vastly different cultural and ethical backgrounds.[3] Just as we need some common monetary currencies for our economic

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[1]See Sandra Wawrytko, "Prudery and Prurience: Historical Roots of the Confucian Conundrum Concerning Women, Sexuality, and Power," in Li 2000, 163–197. For my discussion of cultural configuration of values, see Li 2005, Li 2006, and Li 2008.

[2]Here the matter has nothing to do with whether these cultures were good or bad, these values valid or invalid, whatever that means; or whether traditionalism or universalism of morals is true. I simply make reference to the historical background of today's international human rights discourse.

life in the global economy, in order to live meaningfully with one another within the international community, we also need to have some kind of similar morals and values on matters that are important to members' visions of the good life. It is pointless and unproductive to condemn or praise one another with moral languages coded with moral values that have no shared meanings. Some kind of common moral language is needed in our international community in addition to our "local" or traditional languages. In other words, common values are like common currencies. The question is, whose or which morals and values are to become the common currency? When people identify some of their own values as being worthy candidates, they need to persuade others to accept that these values are worthy throughout the entire global community. They need to persuade others to accept these values as their own. This, I maintain, is the nature of the international human rights discourse.

In the international human rights movement, both persuasion and coercion have played a role. It is hard to deny the usefulness of coercion, which sometimes is certainly justified and necessary. However, persuasion, rather than coercion, is the most effective way to spread moral values. First, moral coercion usually does not work. One may be coerced to act a certain way for a variety of reasons. But one cannot be forced to *accept* a value, that is, to turn a value into one's own, unless one is convinced that the value is worthwhile. Coerced behavior lasts only as coercion continues. In the long run, moral order in the world cannot be maintained by coercion. Second, even if sometimes a value can be imposed on someone through coercion, there is a high moral risk involved: the imposer may turn out to be wrong, as history has repeatedly evidenced. For the moral person who wants to make other people moral as well, this would be the worst outcome possible. Moral persuasion reduces the chance of such grave mistakes. Third, international human rights norms, whether in the form of international laws or covenants, have to be enforced through sovereign nations. That makes them different from domestic law, which is enforced on citizens who are without individual legal sovereignty.[3] For all these reasons, moral persuasion is the best way to establish long-term consensus on human rights. If the international human rights movement aims at long-lasting solutions rather than short-term remedies, it has to persuade people to accept the fundamental values of human rights.[4]

Let me suggest that the adoption of human rights as a predominant currency for international moral discourse is a *historically contingent but not accidental* fact. It is historically contingent because the industrial revolution took place in the West and thus is largely responsible for making the West the dominant world power today. The industrial revolution could have happened some place other than the West *if* similar factors had obtained (there was neither metaphysical nor logical necessity that these factors had to obtain in the West). Had that happened, then today the dominant world force would be a non-Western one. Just as the U.S. dollar has become a dominant

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[3]It should be noted that the United Nations' 2005 initiative of the Responsibility to Protect has to some extent weakened the notion of national sovereignty in this regard.
[4]For a Confucian argument for the primacy of using moral force in the international relations, see Li 2013 Chapter 9.

monetary currency in world trade (i.e., it has recognizable economic power in the world) largely because of the economic power of the United States, the concept of human rights has become a dominant moral currency largely because of the political and possibly moral power of the West. If the United States and a third-world country, say India, were today transposed in economic power, we would probably be using among others the Indian rupee instead of the U.S. dollar as a world currency. Similarly, if India were the dominant world political force today, we would be talking about internationalizing *dharma* ("duty," "right action"); if China were the dominant world force today, we would be talking about internationalizing *ren* ("humanity," "benevolence") or *he* ("harmony"). Then, whatever concepts of moral ideals we would be using today would have been articulated with new implications that serve today's societal needs; our international moral discourse would include such issues as how much room *dharma* requires us to leave the individual or how human dignity implied in *ren* (especially in Mencius's thought) demands others to respect the individual's autonomy in addition to its implication of treating others kindly. The difference is that India or China would claim primary authority in defining and interpreting these concepts; they would have more authority in judging whether a country's practice meets the standards of *dharma* or *ren*.[5]

That the West has become the dominant world force is a historically contingent fact, but it is not accidental that the idea of human rights, rather than any other Western value concepts, has become a central moral-political currency, given that the pool of ideas in Western traditions has been large. The West did not just arbitrarily pick a value from its cultural pool. "Human rights" has been chosen because it has merit that other "older" Western concepts lack. It has a strong appeal: it is more forceful than some other moral concepts such as "love" and "charity" and it serves some urgent needs in the industrialized state society. Just as the U.S. dollar serves a positive function in the world economy today by providing a common currency, the concept of human rights also serves a positive function in today's world by providing a common language for international moral-political communication. The danger, however, is that some human rights advocates forget that the idea of human rights is a value concept (i.e., it reflects certain values), and that dealing with people with different value configurations is much more complicated than dealing with people with different commercial goods. They fail to understand that persuasion, instead of economic and political coercion, should be the ultimate means to unite people under the values clustered on human rights.

To be sure, sometimes human rights discourse is mainly a fight between human rights advocates on the one hand and authoritarian regimes or human rights abusers on the other. In such cases there appears to be a relatively clear line between right and wrong. But international human rights issues often involve disagreement between people in different cultures with different values. Human rights discourse involves fundamentally different beliefs in value. For example, even though totalitarian

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[5]Some of these values share cross-cultural similarities. At the general level, we can even say they are similar (or same) values. See Li 2008.

governments may have had their own hidden agendas in the "Asian values" debate, it would be simpleminded to assume that the battle was merely between human rights advocates on the one hand and a handful evil totalitarians on the other. This kind of dispute does involve innocent people with varied beliefs and different values. In order to reach some kind of consensus on important human rights issues, persuasion is necessary. Even with authoritarian leadership, who may not be labeled appropriately as mere "evil," persuasion should be the chief means to achieve the ultimate goal of human rights movements.

II. The Misguided Debate between Value Universalism and Relativism

In the international human rights discourse one important issue has been whether certain values are universal or relative. In his celebrated book *The Age of Rights,* Louis Henkin writes:

> Human rights are universal: They belong to every human being in every human society. They do not differ with geography or history, culture or ideology, political or economic system, or stage of societal development. To call them "human" implies that all human beings have them, equally and in equal measure, by virtue of their humanity—regardless of sex, race, age; regardless of high or low "birth," social class, national origin, ethnic or tribal affiliation; regardless of wealth or poverty, occupation, talent, merit, religion, ideology, or other commitment. (Henkin 1990, 2–3)

In other words, human rights are universal in that each and every human being possesses the same rights.

Universalists fall into three categories. In the first group, human rights are held to be universal in the sense that certain values are accepted universally. Let us call this position the de facto universalism of human rights. De facto universalists believe that human rights have been already universally accepted as a universal value in the same way that the belief that bank robbery is wrong has been accepted as a universal value. Even though there is still bank robbery, it is only that the bank robbers are wrong; similarly, even though human rights violations occur, it is simply that the violators are wrong. Another kind of universalism is the belief that human rights are a universal natural property that every human being possesses naturally, even though some people have not realized it as a reality, in the sense that even though the earth is round, some people still believe it to be flat: they are ignorant and need to be educated of the factual truth. Accordingly, the goal of the international human rights movement is to promote awareness of the existence of human rights as reality. This position may be called universal realism of human rights. Still others claim that, although the values of human rights are not a matter of fact, nor have they been accepted universally, they ought to be accepted universally. Let us call this group the de jure universalists. All three kinds of universalism oppose the relativist position on human rights. Relativists hold that human rights are values, and because values are culture-specific, human rights are also culture-specific; therefore, there are no universal human rights.

Though philosophically meaningful, the debate between universalists and relativists on human rights, I believe, is misguided. Moral or value relativists claim that peoples of different cultures have different values (they may not deny at the same time that there are values shared more or less by peoples across cultures).[6] Even if they are right on this claim, this reality does not tell us whether people ought to hold on to different values. After all, values change. Even within the same culture, values have evolved. Most of us like to think that our own values are by and large not only better than those of other cultures, but also better than those of our forebears. Therefore, even though a culture has values different from the values advocated by the human rights regime, the fact that it has different values or that its values have changed does not say anything about whether these people should change their values. Value relativism provides no answer to the question of whether one ought to adopt values foreign to one's traditional culture. It may provide reasons for not changing one's values, but there are good reasons for trying to change others' values, as I will show later in this essay.

From the fact that a large number of nations have signed on to various international human rights covenants, de facto universalists argue that certain values are universal. This approach does have some merit. If a government has signed a covenant to protect the freedom of religion, for example, that government is vulnerable to accusations of inconsistencies between its words and its practice if it represses religious freedom. If the fact of covenant violations is clear, that government has some explaining to do to the international community. However, these international covenants are subject to different interpretations. For example, is forced prison labor a form of slavery or not? While in the West many consider forced prison labor a form of slavery, in some other countries it is considered a legitimate form of reforming inmates (this fact, of course, says nothing about whether this practice is morally right or wrong). Some countries will only sign an covenant against slavery because it does not specify, for example, that forced prison labor is slavery. Without specifications, an international agreement against slavery has little force in dealing with forced prison labor. Different interpretations of international covenants create a gray area, which can make de facto universalism forceless.

Another weakness of de facto universalism concerns the question of how to deal with nations that refuse to sign international human rights covenants. The United States, for example, has refused to sign or ratify a number of these covenants. De facto universalists have little resort in such cases. Furthermore, even if some governments accept an international human rights covenant in word, it does not mean that they will follow it through in practice. Louis Henkin maintains that hypocrisy is the homage that vice pays to virtue; even if some governments do not really subscribe to the values of human rights, they nevertheless accept these values nominally (Henkin 1990, x). Henkin's comment may make human rights activists feel good; after all, it is better for the vice to pay homage than not to. But a nominal victory of

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[6]By "different societies having different values" I include the fact that various societies do not give the same priority to shared values due to different configurations of values. See Li 2008.

this sort is hardly worth celebrating. The real question is: How do we bring these governments into the international human rights regime?

The problem with universal realists of human rights is twofold. First, there is no convincing way to prove that there exists such a natural property of human rights. After all, saying that human rights exist is different from saying that the earth is round, which can be proven by scientific facts. Second, even if such a natural property exists in the world, we still need to convince people to value human rights. Natural existence does not imply valuation. Human rights, whether natural or not, will not be effective unless people actually value these rights.

Unlike de facto universalists, de jure universalists do not deny that certain human rights values have not been accepted universally; they argue, however, that these values ought to be accepted and practiced universally. They recognize the fact that values are different from culture to culture and from time to time. Nevertheless, they hold that there are certain important values that are "correct" or superior, which we all ought to embrace. The difficulty with this approach, however, is that there is simply no objective basis to justify some select values that ought to be universal. Besides, who is to select these "universal values"?

The debate between value universalism and value relativism may never be resolvable. My argument in this essay attempts to go beyond this debate. Universalists, de facto, de jure, or realist, seem to take human rights values as fixed standards, which, once determined or discovered, must be applied to every corner of the world. Some universalists are often "self-righteous" fighters, with self-endowed absolute truths in their hand. But to others, these universalists often evoke images of religious crusaders, with God always on their side. Relativists, on the other hand, seem to assume that, because some people have different values, it is always legitimate for them to uphold these values. Some relativists promote "overlapping consensus." They take the morals of different peoples to be absolutely their own business and hope to find some overlapping values. It appears that neither side considers values as products of a continuous process in which human beings make and remake their own existence. I suggest that people are beings with values and beings who renew themselves by reshaping, refining, and re-creating values. One important way of undertaking this process is through dialogue and communication, which allow one to rethink and reexamine existing values and make adjustments to form and reform those that one is most at home with. The international human rights discourse is such a process, in which some people attempt to persuade others to accept certain values. Therefore, my argument does not require morality to be relative or to be absolute; it only relies on an empirical fact that people can and do change their values and that people influence one another in their values.

III. Moral Persuasion without Universalistic Foundation

Some people may worry that without moral universalism the human rights movement loses legitimacy; after all, much of the human rights movement so far has been grounded on the claim of moral universalism. To many, it just feels more justified to promote values that are deemed universally valid. Indeed, they would not feel

justified if these values are not claimed to be universally valid. If we regard the human rights discourse primarily as moral persuasion, on what ground can we justify it? In other words, can we justify human rights persuasion without a universalistic foundation? Can one counter some human rights advocates' move toward moral universalism without relying on moral relativism?

I think that there are good reasons to support the promotion of human rights values. First, as human beings, we all have our own values and we hold on to these values because we believe they are good values. Second, we also have concerns for others. We care about others and want others also to have good values. Third, we usually feel more comfortable with others who feel the same way, and uncomfortable with our moral opponents. This is so because approving a moral value entails opposing actions to its contrary. When bad things happen due to other people's conscious choices, we feel the urge to find the source and correct them. Therefore, when we believe that some of our own values can benefit others who do not yet possess them, we feel the need to persuade them to accept these values. Thus one may say that this felt need for moral persuasion is based on both altruism and self-interest.

I do not believe that moral persuasion should aim at reaching an absolute consensus on values, though. Nor do I believe that we are finally approaching the "end of history," when humankind finally concludes its journey for moral values and reaches the ultimate universal consensus.[7] I see the formation of moral values through persuasion as a process rather than a finished product. In other words, the fruitfulness of moral persuasion yields in the continuing process. We should have patience with different values. Indeed, it is quite amazing how much closer various cultures have become in the past half century (e.g., on issue such as national independence and democracy). The result deserves celebration. Nevertheless, consensus is not ultimate because moral consensus is always reached within a particular historical setting and human history continues to evolve. Rhoda E. Howard has forcefully argued that "human rights are a modern concept now universally applicable in principle because of the social evolution of the entire world toward state societies" (Howard 1991, 81, 99). We have no assurance that the type of society we have today will remain forever, and we have no assurance of the type of human society that awaits us in the future. As society evolves, moral values (or at least the priority of various moral values) cannot but change too.

This is one area in which I disagree with such authors as Abdullahi A. An-Na'im. An-Na'im makes a strong case for the approach through internal cultural discourse and cross-cultural dialogue in order to promote human rights values, which I believe to be very important for the moral persuasion of human rights. But he bases his approach on an essentialism of cross-cultural universal values. He writes "[My] approach is based on the belief that, despite their apparent peculiarities and diversity, human beings and societies share certain fundamental interests, concerns, qualities, traits, and values that can be identified and articulated as the framework for a common 'culture' of universal human rights" (1992, 21). He calls such a common

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[7]Fukuyama 1989. For my discussion of the "end of history," see Li 1999, chapter 7.

culture "*genuinely universal* human rights" (1992, 5, italics are original). While I agree that human beings and societies share fundamental interests and values (defined in general terms) in common, I disagree with essentialism or universalism of human rights values. First of all, moral values evolve. What appears as a universal human right may not be so in the future. Today, the right of reproduction is widely accepted as a basic human right. But if the human population continues to expand against the earth's capacity to sustain it, such a right may be suspect. If some animal rights advocates turn out to be correct (or successful) about animal rights, the concept of human rights may be fundamentally inadequate. Second, even if we humans do share certain fundamental common interests and concerns, it does not follow that they can be formulated only in the same way or articulated only in the human rights language. Different societies and social circumstances may assign different priorities to same moral values (i.e., different configurations of values). Third, in my view, consensus is to be broken and remade as both the human race and our morals evolve. But the endless process is not in vain: in it are human satisfaction, happiness, and flourishing.

Admittedly, this conception of human rights discourse as moral persuasion is in a sense a "weaker" one compared with the universalistic approach. It leaves little or no room for hegemony, which is usually based on universalism. But this should not be perceived as a defect. Under the banner of moral universalism, humans have done tremendous atrocities to one another. With a firm belief of having absolute truth in their own hand, or with God on their side, self-righteous people have forced themselves on others again and again, resulting in disaster after disaster. On my approach, moral persuaders do not have a mandate from any absolute source. None of them has a God locked in their own pocket. They cannot take their moral superiority for granted. They have to approach the persons being persuaded as equals.

On the other hand, the moral persuasion approach is stronger than merely looking for "overlapping consensus." Charles Taylor (1999), for example, distinguishes two levels of issues with human rights discourse: norms of conduct and their underlying justification. Sensitive to fundamental differences between cultures, Taylor sees the international human rights discourse as a process searching for "overlapping consensus" on norms of conduct that comply with human rights, while leaving room for fundamental cultural differences. It is not clear how moral values fit onto Taylor's two levels. Moral values are reflected in the norms of conduct, but they cannot be reduced to norms. If values belong to the level of justification, then my approach goes further than Taylor's. Mine strives beyond existing cultural values and attempts to change at least some of them. The persuasion approach is a forward-looking one, not a static approach. It does not accept what can be found in the existing culture as the last word. To the moral persuader, saying that a certain culture has not had human rights values is no longer a legitimate excuse not to accept such values, because the persuader's purpose is precisely to convince others to accept new values. If a culture does not have human rights values, this approach tries to help introduce or produce them.

The moral persuader differentiates a people from a culture, even though the two are closely related. The so-called "Asian values" are nothing inherently or uniquely Asian. They are just those values that have been held by most Asians as more

important than some other values for a long time. Non-Asians could also hold these values, and Asians could discard these values. Being Chinese (e.g., Chinese-American) does not necessarily imply possessing traditional Chinese values, even though the word "Chinese" is often used to mean "having traditional Chinese values" (e.g., "She is very Chinese").[8] Similarly, the Chinese people would remain Chinese even if they were to abandon Confucian, Daoist, or Buddhist values. To say that Chinese cannot be un-Confucian is analytically not true, and it is empirically false. Of course, whether Chinese being un-Confucian is a good thing is entirely another matter. It is up to the Chinese to decide whether to remain Confucian or Daoist, etc. Introducing new values to a culture can be both a blessing and a curse: the culture may gain some good and lose some good.[9]

Persuasion is based on reasonableness instead of hegemony. The need for successful persuasion requires the persuader to achieve one's goal by ways acceptable to the person being persuaded. This does not only require the persuader to examine one's own ideas and reasons for holding certain values, but also requires the persuader to take seriously what the persons being persuaded have to say and their specific situations.

Persuasion may seem to be a one-directional process, that is, one party trying to change another party's mind. But it does not have to be that way; a reasonable persuader should be prepared to change or modify one's own position in the process of persuading others. This sounds paradoxical: one wants to persuade another of something that oneself might abandon. But there is no hypocrisy here as long as one still sincerely believes in it. A reasonable person usually does not lack such experience: starting out trying to convince other people but only to be convinced otherwise in the end. It happens, and reasonable people must be open to various possibilities. One of my firmest beliefs is that the computer I used to type this essay is mine. I can hardly imagine otherwise. It is my firmly believed truth. But suppose an FBI agent comes to my house with an FBI report that this computer has been replaced without my knowledge for an important national security operation, and the agent shows me documented evidence. I may need to be cautious in reviewing the evidence, but it would be unreasonable for me to reject the agent's account simply because I have formed a firm belief and feel quite comfortable with it. If a person can change one's mind on a believed fact, so can one change believed values. This has nothing to do with moral relativism or absolutism. The fact is that people can and do change their moral beliefs. Reasonable people must be reasonable in upholding and reconsidering their own moral beliefs.

If one sees the human rights discourse as moral persuasion, one needs to exercise humility. One needs to realize that one does not have absolute truth, and that one could be mistaken. History is the best witness. Many once "self-evident" truths turned out to be nontruths. What we see as "self-evident" today may turn out not to be so

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[8]See more discussion of related matters in Li and Xiao 2013.
[9]For a discussion of the relationship between Confucian values and democratic values, see Li 1997.

tomorrow. Often our own values appear to us to be so "self-evident" that we just cannot imagine otherwise. We cannot overestimate the power of a value commitment. Today in the United States, it is obvious to anti-abortionists that abortion is one of the worst human right violations; it is just as obvious to pro-choicers (or "anti-anti-abortionists") that a ban on abortion would be one of the worst human rights violations. Neither side can imagine otherwise. We are often extremely stubborn with our own values. Firmly held values can make us blind.

In moral persuasion, the persuader needs to invite others to think together, to look for agreement. This, I claim, is a basic requirement for being morally reasonable. After communicating with others, sometimes one may find that one's own position needs rethinking. Or one may find from others important aspects of the issue that one has not taken into account. When this occurs, a reasonable person must be willing to adjust one's own position. This is a main difference between moral persuasion and coercion.

One may say that my own position is still universalistic: I am still taking some values (e.g., persuasion over coercion) to be universal. However, it should be clear that my position is not based on, nor does it support, de facto universalism, de jure universalism, or universal realism. I am not opposed to convincing more and more people to accept certain values through persuasion, even though these values may change in the future. I believe my position is coherent and can be established without begging the question. This is how I start the thesis of moral persuasion and certain values (e.g., persuasion over coercion) with myself. Then by persuasion I get my readers and listeners to agree with me on these values. Furthermore, I expand the circle of these moral persuaders through more persuasion. After a person has been persuaded, he or she has come to share certain values with me. These shared values between us are not universal values; they are values established through persuasion.

IV. Applying Human Rights Moral Persuasion

The goal of human rights moral persuasion is twofold. First, it is to persuade people to accept certain moral values that have not been explicit in their cultural traditions. For example, intrinsic to the concept of human rights is that every human being, per one's being a member of the species *Homo sapiens,* has certain equal inherent rights. Jack Donnelly, for example, includes this element of human rights as "the standard sense of 'human rights' in contemporary international discourse" (Donnelly 1999, 62). Some societies have lacked this value. In the mainstream Chinese tradition, for example, a person acquires moral worth by being a member of the moral community, not by merely being a member of the biological species. In Confucian language, "humanity" is a social and moral, not biological, concept. In other words, Confucianism may be a humanism but not a "speciesism" (the belief that the species *Homo sapiens* as a whole, including each and everyone of its members, is superior and deserves special consideration—to borrow Peter Singer's terminology [1990]). This tradition itself does not possess the value of all *Homo sapiens* being equipped

with equal human rights.[10] If human rights advocates want to sell this value into the Chinese culture, they need to persuade the Chinese people to accept it.

Sometimes a society may only appear to have accepted a value because of ambiguities of words. A verbal agreement on certain values can be just that, a verbal one; it may not be substantive. As Andrew Nathan has forcefully pointed out,

Much of the apparent new agreement on value is merely verbal, and disappears when broad concepts like development, democracy, or human rights are analyzed more closely for their specific meanings within different cultures. Similarly, many apparent universalistic values describing such economic or political "system outputs" as welfare, security, equity, freedom, or justice are not understood or ranked the same way in different societies. In many areas, such as the proper limits of state power or the role of law, the differences between the two cultures' preferences are too obvious to be papered over by any formula. Thus the problem remains, because in many respects the values of the two societies remain different, even if they no longer seem to be as different as they once were. (Nathan 1997, 203)

My earlier example of whether forced prison labor constitutes slavery is an issue in point. A country signed to the covenant against slavery may outright reject that forced prison labor is slavery. If the human rights advocates believe it is a form of slavery, they need to sell that value through persuasion.

The second aspect of human rights moral persuasion is to persuade people to accept certain moral values as more important than they have held previously. Sometimes a culture already possesses certain human rights values, but it does not give such values the kind of priority that human rights advocates believe they deserve. The Bangkok Declaration reaffirms "the interdependence and indivisibility of economic, social, cultural, civil and political rights, and the need to give equal emphasis to all categories of human rights." But there is hardly such thing as "equal emphasis." In the end, one always has to give some values (rights) more priority than others. For example, people may agree that citizens have a privacy right and that the police should not unnecessarily intrude on citizens' privacy. But they may interpret "necessary" and "unnecessary" very differently than do some human rights advocates; they may see some sacrifice of privacy as necessary to ensure that their neighborhood is free of illegal drugs, for example.

Human rights are freedoms. As Isaiah Berlin pointed out, freedoms may conflict: One freedom may abort another; one freedom may obstruct or fail to create conditions which make other freedoms, or a larger degree of freedom, or freedom for more persons, possible; positive and negative freedom may collide; the freedom of the

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[10]It may be argued that in the Chinese categorization of "heaven, earth, and people" (*tian, di, ren*), "people" refers to all human beings and therefore all humans have the same status. This is debatable. The Confucian poet Tao Yuanming (365–427 C.E.) sent a servant to his son with a letter stating, "This is also someone's son, [you] should treat him well [*ci yi ren zi ye, dang shan yu zhi*]," instead of simply stating that the servant was also a human being. Evidently, in raising a family, a father is an established moral person and hence being a father's son carried more weight than simply being a (young) human oneself. Quoted from Yu Yingshi (1998, 408).

individual or the group may not be fully compatible with a full degree of participation in a common life, with its demands for co-operation, solidarity, fraternity. (Berlin 1969, lvi)

The issue of priority can even arise with some "hard" human rights categories. Sometimes violations of some human rights may be justifiable because of different priorities. Merely possessing human rights values in a culture does not solve problems of human rights violations. Under the name of different priorities of human rights, violations occur. Human rights advocates need to persuade others to give adequate priority to human rights values.

V. Elements of Value Formation

By now it should be clear that my thesis of human rights discourse as moral persuasion is a kind of discourse ethics. It seeks agreement through discourse, dialogue, and communication. Jürgen Habermas distinguishes between communicative and strategic action:

> Whereas in strategic action one actor seeks to *influence* the behavior of another by means of the threat of sanctions or the prospect of gratification in order to *cause* the interaction to continue as the first actor desires, in communicative action one actor seeks *rationally* to *motivate* another by relying on the illocutionary binding/bonding effect of the offer contained in his speech act. (Habermas 1990, 58, italics are original)

Moral persuasion is a kind of "communicative" rather than "strategic" action. My thesis, however, is different from Habermas's communicative theory. Whereas his theory solely relies on rationality, rationality is just one of several elements in moral persuasion in my thesis.

If we regard the international human rights discourse as moral persuasion, as a process of changing people's moral values, we need to examine how human values are formed and reformed. Philosophers have argued that morals are formed (or should be formed) in at least three ways. Rationalists argue that reason is the foundation of morals. Immanuel Kant maintains that if one is rational, one will be able to form morals on the sole basis of reason (Kant, 1959). That rationalism contains at least a grain of truth can be seen in the fact that we often reason with ourselves and with one another to determine the moral path. The rational approach to moral values may be found in many cultures. The golden rule is an example. (Perhaps emotions are also involved in the practicing of the golden rule. But the golden rule primarily relies on reason to figure out the appropriate action to take.) One may be inclined to do one thing, but deliberation on the golden rule may lead one to do another. One philosopher once told me that, after reading Peter Singer's powerful argument on animal liberation, she had to quit eating meat. The power of reason in moral value formation is evident. Sentimentalists, on the other hand, argue that our sentiments or feelings determine our moral values. David Hume, for example, argues that ultimately it is how we feel that determines the moral right and wrong (Hume, 1957).

Sentimentalism can find its support as one reflects on one's own morals: often we follow our instinctive feelings in making moral decisions. One example is the issue of abortion. The rational approach rarely works in leading one to change positions on the issue of abortion. In the end it is how one feels that determines one's position. The philosopher who quit eating meat because of Peter Singer's argument also told me that she had to take her children to a slaughter house to change their minds on eating meat. Moreover, traditionalists believe that our morals are formed within traditions. Alasdair MacIntyre argues that, without the tradition, one would not be able to determine the moral right and wrong (MacIntyre, 1984). Traditionalists insist that both reason and sentiment are shaped by tradition.

The truth may be that human values are shaped and reshaped by all three: reason, sentiment, and tradition. We reason with people to make them realize that certain things are more important than others; we react to a situation according to how we feel about it; and living within a tradition, we inherit values from earlier generations. Joel Kupperman speaks of ethics as "a patchwork of questions and judgements of a variety of kinds" (1999, 4). Similarly, it is arguable that a person's values, though changing over time, are a result of all three processes. I agree with James Griffin when he writes that, in practice, "[p]urely moral considerations often leave us well short of determinate standards for action, and other considerations, for example, social agreement or convergence or tradition, have to be brought in to fill the gap" (Griffin 1996, 117). In such a process, moral persuasion will include reasoning, feeling with one another, and accommodating traditions. If the international human rights discourse is a process of moral persuasion, we need to look into how each of the approaches works in the process.

It appears that human rights movements tend to use the rationalist approach to rationalize certain moral values as universal, while human rights contenders (those who dispute the human rights agenda and defend their own human rights records) tend to use the traditionalist approach to formulate how values vary from culture to cultures. Both sides have appealed to sentimentalism from time to time, partly because people are prone to emotional influence and partly because modern technology (e.g., television) has made the means for emotional manipulation easily available.

Let me suggest that the moral persuasion approach on human rights is more feasible today than ever because of the available technology. Along with the rapid development of global economy, more and more people are connected through newspapers, radio, television, and even the Internet. These means of communication are also means of moral persuasion. They open an increasingly broader door for human rights persuaders to communicate their message to the entire world.

Conclusion

If we accept that the ultimate goal of human rights discourse is to promote certain moral values through moral persuasion, what implications can we draw from it? First, with this goal in mind, we need to make strategies suitable to this purpose. It is counterproductive to do things that result in turning people away from embracing

certain values advocated by human rights activists. In this regard, it is particularly important to understand the power of internal cultural discourse in introducing new values into a culture, which in turn demands our studying and understanding of respective cultures. Second, as we promote human rights values, we must realize that we are trying to change others' values in accordance with our own. Even though we firmly believe that our values are better than others', we do not have absolute assurance of that. Therefore, we need to reserve the possibility, no matter how slim it seems, that we might be wrong and might need to change our own beliefs and values. Finally, along this line of thinking, we need to understand that there is no higher goal in people's lives than a good life. Value changes should aim at improving people's lives. The justice and injustice of promoting certain values have to be measured ultimately by whether they result in improving people's lives, not the kind of life we think desirable, but the kind of life that the people affected by the values deem desirable.[11]

References

An-Na'im, Abdullahi Ahmed, ed. 1991. *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus.* Philadelphia: University of Pennsylvania Press.

Bauer, Joanne R., and Daniel A. Bell, eds. 1999. *The East Asian Challenge for Human Rights.* Cambridge: Cambridge University Press.

Berlin, Isaiah. 1969. *Four Essays on Liberty.* New York: Oxford University Press.

Donnelly, Jack. 1985. *The Concept of Human Rights.* New York: St. Martin's Press.

———. 1989. *Universal Human Rights in Theory and Practice.* Ithaca, NY: Cornell University Press.

———. 1993. *International Human Rights.* Boulder, CO: Westview Press.

———. 1999. "Human Rights and Asian Values: A Defense of 'Western' Universalism," in Bauer and Bell, 1999, 60-87.

Dworkin, Ronald. 1977. *Taking Rights Seriously.* Cambridge: Harvard University Press.

Fukuyama, Francis. 1989. "The End of History?" *National Interest* 16:3–18.

Griffin, James. 1996. *Value Judgement: Improving Our Ethical Beliefs.* New York: Oxford University Press.

Habermas, Jürgen. 1990. *Moral Consciousness and Communicative Action.,* Cambridge: MIT Press

Henkin, Louis. 1990. *The Age of Rights.* New York: Columbia University Press.

Howard, Rhoda E. 1991. "Dignity, Community, and Human Rights." In Abdullahi A. An-Na'im 1991, 81–102.

Hume, David. 1957. *An Inquiry Concerning the Principles of Morals.* New York: the Bobbs-Merrill Company, Inc. Originally published in 1751.

Kant, Immanuel. 1959. *Foundations of the Metaphysics of Morals.* Trans. Lewis White Beck, New York: the Bobbs-Merrill Company, Inc. Originally published in German in 1785.

Kupperman, Joel J. 1999. *Value . . . and What Follows.* New York: Oxford University Press.

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Li, Chenyang. 2013. *The Confucian Philosophy of Harmony,* London and New York: Routledge.

———. 2008. "Cultural Configurations of Values," *World Affairs: the Journal of International Issues* (XII.2): 28-49.

———. 2006. "The Confucian Ideal of Harmony," *Philosophy East & West* (56.4): 583-603.

———. 2005. 《道与西方的相遇：中西哲學主要問題比較研究》 *A Study of Major Issues in Chinese-Western Comparative Philosophy*. Beijing: Renmin University Press.

———. ed. 2000. *The Sage and the Second Sex: Confucianism, Ethics, and Gender.* Chicago: Open Court, 2000.

———. 1999. *The Tao Encounters the West: Explorations in Comparative Philosophy.* Albany: State University of New York Press.

———. 1997. "Confucian Values and Democratic Values," *Journal of Value Inquiry* (31.2): 183-193.

Li, Chenyang and Hong Xiao. 2013. "Chinese Diaspora as People of Their Own Countries and Chinese Philosophy as World Philosophy,"《漢學研究》 *Chinese Studies* (2013:2) 63-84.

MacInyre, Alasdair. 1984. *After Virtue*, second edition. Notre Dame, Indiana: University of Notre Dame Press.

Nathan, Andrew J. 1997. *China's Transition.* New York: Columbia University Press.

Singer, Peter. 1990. *Animal Liberation.* New York: HarperCollins Publishers.

Taylor, Charles. 1999. "Conditions of an Unforced Consensus on Human Rights." In Joanne R. Bauer and Daniel A. Bell, eds., *The East Asian Challenge for Human Rights.* Cambridge: Cambridge University Press, 1999, 124–144.

Yu, Yingshi. 1998. "從價值系統看中國文化的現代意義" [The Modern Meaning of Chinese Culture Seen from the Value System], in Wang Yuanhua, Hu Xiaoming, and Fu Jie, eds., 《釋中國》 [*Interpreting China*], vol. 1. Shanghai: Shanghai Wenyi Chubanshe, 387-445.