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# The Confucian Concept of Freedom

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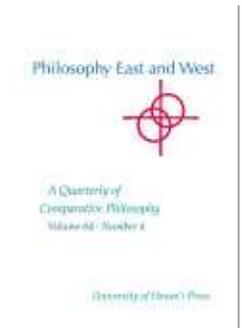
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## The Confucian Conception of Freedom

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## THE CONFUCIAN CONCEPTION OF FREEDOM

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Freedom is intrinsic to a good life. An account of the Confucian conception of the good life must include a reasonable conception of freedom. Studies in Chinese ideas of freedom, however, have been focused mostly on Daoism. A quick survey of some fine books on Chinese philosophy shows little result on Confucian freedom.<sup>1</sup> In this essay, I argue that attributing a notion of “free will” to Confucian philosophy has serious limitations; it will be more fruitful to draw on contemporary feminist theories of freedom and autonomy, particularly the notion of autonomy competency, in explicating Confucian freedom. Thus, I articulate the Confucian notion of freedom in terms of choosing (*ze* 擇), and advance a Confucian conception of freedom as choosing the good (*ze shan* 擇善). Under such a conception, freedom is competence-based and its realization is liberating and fulfilling. I also elaborate on the political implications of Confucian freedom and argue that while Confucianism leaves plenty of room for civil liberties, a key consideration of the boundaries of individual liberty is the good of humanity.

### *Freedom or Free Will*

In modern Western philosophy it is now commonplace to explicate human agency and human freedom in terms of free will. Some authors have also attempted to introduce free will to account for freedom in Confucian philosophy.<sup>2</sup> The notion of free will, however, has too much baggage to be an effective concept. Introducing the concept of free will is not a productive way of explicating Confucian philosophy.

Free will is a deeply troubled concept,<sup>3</sup> constantly haunted by determinism on the one hand and existentialist absolutism on the other. A quick look at its history reveals that the notion of free will is not necessary in explicating human freedom. While freedom is unquestionably part of ancient Greek philosophy before the Common Era, free will is not. According to Albrecht Dihle, “The Greeks had no word of this kind in their language to denote will or intention as such,”<sup>4</sup> let alone free will. Human action is seen as a result of the two forces in the soul, appetites, and intellect. Socrates talks about freedom of the soul. The soul becomes free as the person masters philosophy. However, we do not have to ascribe a free will to the soul to make the point. The soul in the *Phaedo* is similar to the rational part of the soul, reason, in the *Republic*. It confronts and regulates desires, far from being neutral to the good as the later notion of “free will” purports to be. The notion of ἀκρασία (*akrasia*), often translated as “weakness of the will,” simply means “lack of command (over oneself).” The noun is derivative from the adjective ἀκρατής (*akratēs*), powerless, which is in

turn derivative of the negative particle of ἀ and κράτος (*krátos*), strength or power. Hence, *akrasia* means “not having the strength (to control oneself).” There is simply no “will” in it. Translating it in terms of the will is a later interpretation. The interpretation suggests that the soul (which Socrates affirms) somehow has a will (which Socrates does not affirm), and that the will is not strong enough to control the soul. In fact, the will is simply not part of Socrates’ philosophical vocabulary.

Aristotle discusses freedom in terms of voluntary or involuntary actions and choice. The agency of these actions is the person (*Nicomachean Ethics*, book III, sections 1 and 2). Choice or προαίρεσις (*prohairesis*) is purposive decision shaped by reasoning. Aristotle maintains that the person lacking self-restraint (*akrasia*) acts out of only (non-rational) desires, whereas the self-restrained person acts from choice (*prohairesis*) (*Nicomachean Ethics*, 1111b14–15). The term *prohairesis* is used here in a specific way. In a careful study of Aristotle’s use, Charles Chamberlain interprets the term as a “commitment” that encompasses the entire process of rational decision making.<sup>5</sup> These ancient Greek philosophers simply did not appeal to free will in their accounts of the human agency. This fact does not prove that there is no free will, of course. It does suggest, however, that we can make good sense of human agency and philosophize in meaningful ways without appealing to such a concept.

The concept of free will has a specific cultural origin. It came into prominence in the West largely due to the work of Saint Augustine,<sup>6</sup> whom Hannah Arendt has called the “first philosopher of the will.”<sup>7</sup> St. Augustine did not invent the concept entirely out of nothing, however. Epictetus (A.D. 55–135) already made a major departure from Aristotle and interpreted *prohairesis* as the will. The will, for Epictetus, is an independent power and is naturally free (*Discourses* II, chap. 15). When Epictetus stated that the good is within the power of the will (*Discourses* III, chap. 7) and that nothing is good or bad besides the will (*Discourses* III, chap. 10), he came close to the view that only the will is capable of committing evil. Nevertheless, it was Augustine who drove the notion to prominence. According to Albrecht Dihle,

St. Augustine was, in fact, the inventor of our modern notion of will, which he conceived for the needs and purposes of his specific theology and in continuation of the attempts of Greek theologians, who developed their doctrine of the Trinity in terms of Neoplatonic ontology. He took the decisive step towards the concept of human will by reinterpreting a hermeneutical term as an anthropological one. This eventually led him to an adequate philosophical description of what the Biblical tradition taught about man’s fall, salvation, and moral conduct.<sup>8</sup>

The “will” is, of course, “free will.” St. Augustine was influenced deeply by Greek intellectualism, believing in the power of human intellect in directing a rational life. This view, however, appeared inadequate as he gradually realized the large impact of the non-rational factors on human life. He was faced with a rather challenging task. If God is all good and God created humans, how can humans ever fall? Developing a powerful theodicy, St. Augustine set out to show that human wrongdoings do not affect the goodness of God. For that purpose and others, he had to develop a concept of free will that is sufficiently strong in order to defend the goodness of God.

Intentionally or not, by developing his theory this way, Augustine gave free will a life of its own; no longer the soul, not even the intellect or reason, it is the free will that is ultimately responsible for human action.

Dihle has aptly characterized Augustine's notion of will this way:

Our term "will" denotes only the resulting intention, leaving out any special reference to thought, instinct, or emotion as possible sources of that intention. Greek, on the other hand, is able to express intention only together with one of its causes, but never in its own right.<sup>9</sup>

Augustine's gigantic departure from earlier Greek philosophy, especially from Aristotle, has led Western philosophy to a radically abstract notion of free will. When it comes to existentialist philosophy, the free will has transformed into absolute freedom. In the ways in which the concept has been discussed, free will is like a little man stuck in a person's head making all decisions for the person. This little man cannot be shut off from outside. But, then, you wonder whether there is an even smaller man in the head of this little man, and so on and so forth. The notion of free will has been infested with a world of problems with determinism. These problems cannot be resolved. An alternative is to get out of the trap set by Augustine and his followers. We should not think of human agency in terms of free will, but rather look for a holistic notion of human freedom.

Attempting to prove that Chinese philosophy does not lack free will, some authors have interpreted the Chinese word *zhi* 志 as "will." In an article titled "A Theory of Confucian Selfhood: Self-Cultivation and Free Will in Confucian Philosophy," for instance, Chung-ying Cheng argues that in Confucianism *zhi* is "an independent decision-making power that is absolutely free."<sup>10</sup> But, does *zhi* mean free will? The word "will" has two related, yet different meanings. It can mean a mental faculty by which a person deliberately chooses or decides upon a course of action, or it can also mean determination or purpose. These two meanings can be related, as a person can choose to have a purpose. They are not necessarily connected, however, at least not logically. For we can imagine a possible world with people created or programmed *a priori* to possess a certain purpose or determination without ever choosing it. When people talk about "will" as in "free will," it denotes the former. *Zhi* on the other hand, is the latter. When Confucian thinkers talk about *li zhi* 立志 and *yang zhi* 養志, by *zhi* they are not talking about a mental faculty by which a person deliberately chooses or decides upon a course of action (even though it may presuppose such a faculty, that is, the heart/mind). They are talking about establishing (*li*) a purpose or determination (*zhi*) and fostering (*yang*) such a determination. This is the case even when the word is used as a verb, as in "when I was fifty, I set my will on learning."<sup>11</sup> The Han commentator Zhao Qi interprets Mencius' notion of *zhi* as "what the heart/mind intends and consciously considers."<sup>12</sup> Note that it is the heart/mind that does the intending and considering, not the *zhi*, which is the outcome rather than the initiator of these mental activities.

In the Confucian view, a person should establish a goal in life for personal cultivation and orient oneself in the right direction. After such an orientation has been set,

the person needs constantly to strengthen and reinforce such a goal so that it continues to guide his or her life without withering. Therefore, *zhi* does not denote free will. For this reason, Kwong-loi Shun's rendering of *zhi* as "directions" is more appropriate than "will."<sup>13</sup> The same can be said of other similar Chinese terms like *yi* 意 (intention). The *Shuowen* lexicon simply mutually interprets the two words.<sup>14</sup> The title of chapter 15 of the *Zhuangzi*, "Ke yi" 刻意, for example, means sharpening the *zhi* (determination or will). It does not refer to free will.

There may be a variety of reasons why classical Confucian philosophers did not develop a concept of free will. One of these reasons, I suggest, is that there was no such need. Confucianism does not recognize an omnipotent and omniscient god. There is no need for theodicy. Confucian philosophers did not, and do not, face the kind of problem faced by St. Augustine. They did not, and do not, need a concept of free will to account for human agency. This is not to say that Confucianism has no concept of human freedom. It absolutely does have such a notion and it plays an important role in Confucian philosophy, as I will argue.

### *Freedom of the Competent Agent*

The predicament of free will has led contemporary philosophers to heed the role of a more holistic human agency. Harry Frankfurt's "deep-self compatibilism" in addressing the free will problem, for instance, is in some way a return from the Cartesian *Cogito* to the notion of a more holistic person's freedom.<sup>15</sup> Susan Wolf has moved even further away from abstract free will to human freedom situated in the real world.<sup>16</sup> The most promising development in this regard, in my view, has come from feminist philosophers.<sup>17</sup>

Feminist discussion in this regard has focused mainly on personal autonomy. Autonomy and freedom are closely related concepts. Autonomy, literally "self-ruling," emphasizes one's internal capacity to make decisions for oneself. Freedom is often associated with the environment of action and with action itself. A free environment is a precondition for autonomy. A person cannot be autonomous without a free environment, even though a free environment does not necessitate personal autonomy.<sup>18</sup> As a quality of human action, freedom is realized through personal autonomy. Strictly speaking, a non-autonomous person cannot act freely. By examining autonomy, we have much to learn about freedom.

Countering the charge that women are less autonomous than men, feminist philosophers have articulated theories of relational autonomy on the basis of relational self. The notion of relational autonomy, say Catriona Mackenzie and Natalie Stoljar,

[is built on] the conviction that persons are socially embedded and that agents' identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity. Thus the focus of relational approaches is to analyze the implications of the intersubjective and social dimensions of selfhood and identity for conceptions of individual autonomy and moral and political agency.<sup>19</sup>

Personal autonomy is not free from socialization. The relevant question here is not how persons can be free of socialization, but rather what kind of socialization is conducive to personal autonomy. In a repressive society, intensive socialization leaves no breathing room for people to pause, to reflect, and to think for themselves. It therefore suffocates freedom. However, reasonable socialization is necessary for the normal, and optimal, development of autonomous individuals. Under this conception, people's relationality is not only compatible with personal autonomy, but also a necessary condition for achieving it.

Diana Meyers has argued that autonomy is not an inborn capacity. It requires competency. She maintains that personal autonomy has a threefold structure: self-discovery, self-definition, and self-direction. That is, an autonomous person must know what she is like, must be able to establish her own standards and to modify her qualities to meet them, and must express herself in ways that she deems fitting and worthy of herself personally in action.<sup>20</sup> Meyers argues that personal autonomy has episodic and programmatic characteristics. It involves episodic self-direction—a person pauses once in a while at decision points to reflect and to orient her direction in a period of her life. Programmatic self-direction enables a person to establish well-meshed long-term life plans that provide for an integrated personality. To be able to achieve these, autonomous persons need to develop skills that enable them to engage in meaningful inquiries and to carry out their decisions. Meyers calls such skills “autonomy competency”:

Whether or not a person is autonomous depends on whether or not the person possesses and successfully uses the skills comprised by the competency of autonomy.<sup>21</sup>

In this conception, personal autonomy is a capacity that we acquire through meaningful socialization. It is an accomplished faculty, rather than something we automatically possess just by being left alone without interference by others. Skills, particularly those that are social in nature, cannot be developed in a vacuum. To the contrary, it is through social interaction with others that we develop skills of autonomy competency.

To be sure, Meyers' account of autonomy is by no means Confucian. For one thing, she distinguishes personal autonomy from moral autonomy, whereas Confucian philosophy emphasizes the effects of personal choices on virtue formation and character building. From a Confucian perspective, personal autonomy always, more or less, carries with it a moral characteristic because of the inevitable effect our action imposes on people around us. Also, in comparison with Confucian philosophy, Meyers' notion of personal autonomy still appears rather individualistic, despite the fact that she gives a prominent place to socialization. Nevertheless, Meyers' theory emphasizes autonomy as a developed capacity rather than the inborn, natural quality of an unencumbered self, and it stresses the important role of appropriate socialization in generating autonomy. In this aspect, it resonates well with the Confucian view of freedom.

Taking inspiration from contemporary feminist philosophy does not imply that the idea of freedom in Confucian philosophy was borrowed from feminism, which

would have been an anachronism. Nor does it mean that the feminist notion of autonomy is superior to Confucian freedom. There should be no question, however, but that contemporary feminists have made significant strides in articulating a persuasive account of personal autonomy and hence have provided a vantage point from which we can examine the Confucian concept of freedom in contemporary terms.

### *Confucian Freedom*

The Chinese term for freedom commonly used today is *ziyou* 自由. *Zi* means self. Among the numerous ways in which the word *you* has been used are (1) to follow, as in “follow this road,” and (2) by, as in “blown away by the wind,” which indicates the agency of an event. Combining the two words, the term *ziyou* literally means “following oneself” or “acting by oneself.”

The term *ziyou* does not appear in pre-Qin texts. Among the first to use it were two Han Confucian scholars, Zhao Qi 趙歧 (ca. 108–201) and Zheng Xuan 鄭玄 (127–200). The “Shaoyi” chapter of the *Book of Rites* discusses appropriate rituals in meeting with a superior. It states that one should request to be seen but not request to leave (until the superior tells one to leave).<sup>22</sup> Zheng Xuan commented, “one does not dare to follow oneself (*ziyou*) on whether to leave or to stay.”<sup>23</sup> In other words, it is not up to oneself to decide. It is courteous for the inferior to wait until he is dismissed by his superior. *Ziyou* as used here has acquired the sense of freedom. In his Commentary on the *Mencius*, Zhao Qi used *ziyou* in ways that bear shades of meaning similar to the sense in which we use the term today. Mencius said:

One who holds an office will resign it if he is unable to discharge his duties, and one whose responsibility is to give advice will resign if he is unable to give it. I hold no office, neither have I any responsibility for giving advice. Why should I not have plenty of scope when it comes to the question of staying or leaving?<sup>24</sup>

Mencius was under no obligation to stay because he had no committed duty to the ruler. Nor did he have to dismiss himself before leaving the state because he did not hold office. Therefore, it was entirely up to him to decide what to do. Zhao Qi comments: “(Mencius was) free to stay or leave; he had plenty of scope when it comes to that matter.”<sup>25</sup> The Chinese expression for “free to stay or leave” is *jin tui ziyou*. It is Mencius’ own freedom here.<sup>26</sup>

These examples show that although pre-Qin thinkers did not use the term *ziyou*, they did have a concept of freedom. I suggest that this concept of freedom is framed in two forms. The first form is *articulation without coinage*. This refers to cases where thinkers articulate the idea of freedom without explicitly coining the term *ziyou*, as in the case with Mencius above. Mencius clearly articulated the idea that it is his freedom to leave or to stay. He did not, however, coin a specific term for the idea. Later Zhao Qi identified the idea and explicitly assigned the term to it.

The second form is by way of *implied concept*. By “implied concept” I mean a concept that is logically entailed in another or other concepts so that the other concepts do not make sense without presupposing and understanding the unstated

concept. For example, the “Tangong B” chapter of the *Book of Rites* records a story of Confucius conversing with a woman who lived at the foot of Mount Tai, where mountain tigers had killed her father-in-law, her husband, and her son. When Confucius asked why she did not move away, she responded that at the foot of Mount Tai there was no brutal government. Confucius commented that brutal government is more brutal than man-killing tigers.<sup>27</sup> In this case, by asking why she did not move away, it was implied that she could choose and thus had the freedom to stay or leave. There was no need to spell it out. Similar to the “ought implies can” relationship, the very fact that when pre-Qin thinkers discussed whether someone should choose to do something, or how to choose, logically they implied that the person in question already had the freedom to do so. Otherwise, their discussions would not make sense. So far as their discussions do make sense, we have to conclude that the concept of freedom is implied.

In pre-Qin Confucian classics, the concept of freedom is implied in their discussion of the topic of choosing. One such word used frequently for such a function is *ze* 擇. The *Shuowen* lexicon defines *ze* as *jian* and *xuan*, namely “to differentiate and to select.”<sup>28</sup> Therefore, *ze* means to discriminate among options and to make a choice. Because the noun “choice” in English is also used to denote objects of choice (as in “there are two choices on the table”), and because *ze* means the act or process of making choices, I translate *ze* as “choosing” in order to register it clearly as an action concept.

In pre-Qin texts, *ze* is sometimes used to mean the act of choosing from available options. For instance, in chapter 1B of the *Mencius*, Mencius tells the Duke of Liang that, faced with external threats, the duke must choose between taking his people to a safe place or staying to fight for their land.<sup>29</sup> In Year 27 of Zhaogong of the *Zuo-zhuan*, Fei Wuji 費無極 asks Ziwu 子惡/郤宛 to show a few weapons from which he can choose.<sup>30</sup> Year 11 of Aigong of the same text states that it is always that birds choose trees, and never that trees choose birds.<sup>31</sup> In all these usages, to choose is to decide between more than one option. Choosing means to exercise this capacity in selecting one option out of many.<sup>32</sup>

Furthermore, *ze* appears to be used more frequently for choosing a specific thing or type of things. In such cases, the act of choosing and the chosen outcome are not separate. For instance, in the “Tangong A” chapter of the *Book of Rites*, Zigao, in serious illness, says “after I die, choose a barren land for my burial.”<sup>33</sup> In Year 16 of Aigong of the *Zuo-zhuan*, Hun Liangfu 渾良夫 says that Duke Wei should call in his two sons and choose the talented one.<sup>34</sup> Year 7 of Zhaogong of the *Zuo-zhuan* states that one of the functions of governance is to choose (right) people.<sup>35</sup> In these cases, choosing is directed in a specific way, either choosing an infertile land for burial, or choosing a gifted son for assignment, or selecting right people for government offices. This sense of choosing does not have to be choosing for the better of two or more options. In the *Analects*, Confucius says that “it is good to live in a place of *ren* (moral excellence); if one chooses not to live in such a place, how can we say he is wise?”<sup>36</sup> Even though it is better to choose to live with virtuous people, a person may choose the opposite. Confucius, of course, does not approve of this kind of choice.

This latter usage of *ze*, choosing with a specific option, suggests an orientation among ancient Confucian thinkers. When deliberating on the issue of the freedom of choice, Confucian thinkers did not focus on the act of choosing *per se*; rather they paid attention to the object or outcome of choice. This suggests that, in their view, what one chooses is at least as important as the fact that one can choose.

“Choosing” in the two usages above implies freedom. Obviously, no one can choose without freedom. Any discussion of choosing therefore presupposes freedom. Such an implied notion of freedom is a rather thin notion, however; it is purely formal and abstract in nature, only standing as potentiality for doing something. As Hall and Ames write, “In the *abstract* sense we are free when there are minimal constraints precluding any particular action. In the *effective* sense of freedom, an individual is free when conditions promoting a given action are present.”<sup>37</sup> “Conditions” here should be understood as inclusive of both the subjective and the objective, both in the individual’s internal capacity (i.e., competence) and in his environment. While providing an element of possibility for the agent, abstract freedom is not of supreme value; otherwise an unconstrained person lost in a boundless desert would have the utmost freedom. In the Confucian view, however, real freedom is liberating and fulfilling; it is to be achieved in carrying out a desirable action successfully, not as mere possibility. Appropriate conditions, both internal and external, are needed in order to turn freedom as mere possibility into freedom as realization.

The difference can be illustrated through an example. When I first arrived in the United States and started my teaching assistantship in the mid-1980s, I was asked by the university to select a health insurance plan out of several options. Without any clue about how they would work and how they differed from one another, I simply picked one of them. In one sense, I chose one plan freely; no one forced me. However, no freedom was realized in the act, because I had no relevant competency. Years later, I know a lot more about health insurance and understand my own needs much better. I can make a decision by carefully evaluating my needs, examining what each plan offers, and making a good match between the two. By doing so I realize freedom in choosing a plan. In comparison, my initial experience with choosing a health insurance plan was neither liberating nor fulfilling. Now, my choosing a health insurance plan is true freedom. Abstract freedom is potential freedom. In holding abstract freedom I merely possess a potential capacity for realized freedom. The actual capacity for freedom requires more than merely being allowed to choose; additional abilities, such as knowledge, experience, and determination, are needed to make a meaningful choice. Understood this way, freedom can be achieved only through a process of choosing that incorporates knowledge, aspirations, and values. It requires agent competency.

For Confucians, realized freedom is manifested in *ze shan* 擇善 or choosing the good. The *Zhongyong* states: “the authentic person chooses the good and holds firmly onto it.”<sup>38</sup> The good means the good action, the good personhood, the good life, the good society, and the good world. Broadly speaking, “holding firmly onto goodness” should be seen as intrinsic to “choosing the good.” If one does not firmly hold onto it, choosing the good becomes meaningless. Therefore, choosing the good

entails holding onto it and translating it into practice. Choosing the good in this sense is the Confucian ideal of freedom. In comparison with the thin freedom as potentiality, this notion of freedom is a thick notion. It incorporates the good in its realization. The good manifests itself in various ways in life. In philosophical terms, the Confucian notion of choosing the good in action is to choose the path of *zhongyong*, as Confucius' disciple Yanhui does:

In cultivating his personhood, Yanhui can choose the path of *zhongyong*. When he obtains such a good, he keeps it in mind and never loses it.<sup>39</sup>

In the Confucian context, *zhongyong* is the path of ritual propriety and the way of harmony. The way of *zhongyong* is the way of appropriate action and the way toward the good life. To choose *zhongyong* is therefore to choose the good.

Confucian freedom is to be realized in the kind of choosing that is based on knowledge. Choosing the good requires a person to broaden his knowledge base, to know what good is. Confucius says: "I learn broadly so I can choose the good and follow it."<sup>40</sup> The "Zengzilishi" chapter of the *Book of Rites* (Older Dai's edition) states that "morally cultivated persons possess broad knowledge and choose accordingly."<sup>41</sup> In Confucianism, choosing and learning are inseparable. One cannot choose things wisely without knowledge. Choosing on the basis of ignorance is not choosing in any meaningful way. Under this conception, a person who does not know the good cannot possibly realize freedom. He can, of course, exercise freedom in the abstract sense, as mere possibility, like a disoriented person wandering in a desert. Without knowing the good and being guided by it, he cannot turn freedom as potentiality into actuality. He can only (mis)use his possibility.

In everyday practice, choosing the good translates into choosing good role models and following their lead. Confucius says:

When there are three persons walking together, at least one of them can be my teacher. I choose their good and follow them.<sup>42</sup>

Choosing good people to learn from is called *bi* 比.<sup>43</sup> The word originally means "being posited side by side." Its oracle bone form is 𠄎, suggesting two persons next to each other in similar posture. Here it means joining the rank of someone or joining the same group with someone. Confucians emphasize the importance of learning from others, particularly learning through association. Mencius' widowed mother, according to a widely circulated story, relocated three times in order to find a suitable place to live so that Mencius could be associated with good people.<sup>44</sup> Understanding the need to learn and being able to seize opportunities to learn from the right source is a form of wisdom. Through learning wisely we acquire competency for freedom.

Equipped with knowledge and wisdom, a person can choose the good action and choose to do the right thing. For people with leadership responsibilities, for example, choosing the good includes choosing the right people for important posts. Year 31 of Xianggong of the *Zuozhuan* praises the Zheng statesman Zichan as being

able to choose and to employ talented people.<sup>45</sup> Year 29 of Xianggong of the *Zuo-zhuan* states that “good leaders must be able to choose the right people (for posts)”<sup>46</sup> and that “the entire world admires the practice of choosing the right people for appropriate posts.”<sup>47</sup> In the *Mencius*, Mencius says to Minister Bizhan of Teng, “your prince is going to practice humane government and has chosen you for this mission. You must do your best.”<sup>48</sup> Choosing the good action and doing the right thing are concrete manifestations of choosing the good. Choosing to do the right thing constitutes goodness in action, in personhood, in society, and in the world.

From the Confucian perspective, choosing the good is liberating and fulfilling. It enables and empowers the individual who so chooses. It is freer than abstract freedom, the potential of which has to be realized with competence, knowledge, and adequate conditions. Choosing the good is fundamental to the good life. Only in choosing the good can one build a good, coherent life. Choosing the good, however, is not detached from personal daily activities. When done appropriately, good choices in everyday life, such as choosing a good health insurance plan, contribute to the overall goal of the good life. The Confucian classic *Greater Learning* states that the Greater Learning teaches how to achieve the “highest good” (*zhi shan* 至善).<sup>49</sup> James Legge translated *zhi shan* as “the highest excellence.”<sup>50</sup> Achieving *zhi shan* in a person is indeed to achieve the highest form of human excellence. For Confucians, the highest state of human excellence is also the highest state of human freedom. The *Analects* shows that, having gone through lifelong striving toward the highest good, at the age of seventy Confucius finally achieved the highest form of freedom, in which he could act in whatever way he wished without stepping over appropriate boundaries.<sup>51</sup> Cultivation of virtues enhances the competence of freedom. A high degree of freedom is achieved by a high level of achievement in virtue.

The Confucian conception of freedom has the following characteristics. First, freedom does not imply an unencumbered free will as the origin and initiator of choice. Instead, the agency of freedom is the person through the heart/mind. As agency the choosing person is always situated in an environment that is fundamentally social in nature. Whether one chooses a place to live or chooses role models to emulate, the process of choosing is connected intrinsically to real-life situations. In this regard, Confucianism and contemporary feminist philosophy share much in common.

Second, meaningful exercise of freedom requires agent competency, a point highlighted recently by feminist philosophers. Competency includes knowing the good even though the good is manifested in a variety of things and in a variety of forms. This kind of competency comes through learning (*xue* 學) wisely from others and from experience. Confucian freedom is closely associated with wisdom, learning, and experience.

Third, freedom is twofold. There is freedom as potentiality and freedom as achievement. Freedom as potentiality does not possess intrinsic value in itself. It is in its realization as achievement that freedom presents its true value. Benjamin Schwartz asked why “the freedom to choose between good and evil . . . never seems to be put

forth, in most Chinese thought, as a supreme value.”<sup>52</sup> For Confucians, such a question is odd. Understood in the abstract sense, “freedom” entails logically three possible outcomes: to choose the good, to choose the bad, and to choose neither. If only choosing the good is of supreme value, why should “freedom” *per se* be given “supreme value”? We praise people for choosing the good, not for choosing *between* good and bad. Therefore, in the Confucian view, abstract freedom at best has an instrumental value; only “choosing the good” has a supreme value.

Fourth and finally, freedom is realized in choosing the good. Understanding the process of choosing the good is key to understanding Confucian freedom. For Confucians, such a process is inescapably a cultural realization. In comparison, feminist philosophers emphasize the individual’s ability or competency to choose rather than “choosing the good.” It does not associate freedom closely with the culturally defined good. Joel Kupperman has called feminism “radical Confucianism,” in that it is more willing to reform and to depart from tradition.<sup>53</sup> In the Confucian view, however, it is the tradition (*daotong* 道統) that constitutes the framework for the good. The good has to be realized in culture, and a culture presupposes a tradition. In ancient China, the good was identified almost exclusively with the Confucian culture. Today, this notion may be interpreted, in a non-culturally specific way, to accommodate culturally diverse interpretations of the good. Nevertheless, Confucian freedom is to be realized only in choosing the good, which is always contextualized with culture and tradition.

### *Confucian Freedom as Foundation for Civil Liberties*

“Freedom” and “liberty” are often used interchangeably. For our discussion, I take “freedom” to be more general in scope than “liberty.” Whereas “freedom” is a general philosophical concept, “liberty” is political and social in nature. In social and political philosophy, the concept of “freedom” provides an overall orientation while the concept of “liberty” is to be realized in social rules, oftentimes in the form of civil rights. Admittedly, civil liberty has not been a significant concept in Confucian scholarship until recently.<sup>54</sup> Some authors even go so far to claim that “Confucianism has no room for liberty.”<sup>55</sup> However, since the Confucian ideal of freedom has to be achieved in the context of human society and since liberty is indispensable to healthy human society, Confucianism must have room—if it has not, it must make room—for liberty. Moreover, if the main goal of Confucianism is to achieve human freedom as choosing the good, then it must support and promote social institutions that contribute to such a goal. Civil liberties are manifestations of human freedom. Therefore, Confucian freedom cannot prevail without civil liberties.

Now I will explore what kind of civil liberties Confucianism can endorse. My point is that Confucian civil liberties must be grounded in the framework of human freedom. Confucian civil liberties will not only safeguard freedom as possibility but, more importantly, will provide an environment conducive to freedom as human achievement. On the basis of our discussion above, we can say that Confucian civil liberties will have the characteristics given below.

First, a primary consideration in evaluating a liberty in Confucianism is whether it is conducive to realized freedom—that is, whether it enables a person to progress toward freedom as human achievement. For this reason, it is more appropriate to describe the primary function of Confucian civil liberties as *enabling* rather than protecting, even though they do protect people. Therefore, Confucians will not endorse liberties on the basis of John Stuart Mill’s “harm principle,” on the ground that some of these liberties are not helpful toward achieving human freedom.

Second, Confucians will give equal weight to social and political liberties as well as liberties that have been described as “second generation rights,” liberties to have basic material necessities such as food and shelter. They also include the liberty to receive education, as education (*jiao* 教) is central to Confucian moral cultivation toward freedom. Under the principle of people’s livelihood (*minsheng* 民生), Confucian thinkers since antiquity have held that material well-being is crucial to effective moral cultivation, and have charged the state with the responsibility to provide and to sustain an environment for people to prosper. Mencius, for example, said:

People behave in such ways: when they have sustainable property, they develop a sustainable heart toward moral goodness; when they do not have sustainable property, they lose the sustainable heart toward moral goodness. Once they do not have a sustainable heart toward moral goodness, they will indulge themselves and do devious things without limits.<sup>56</sup>

Without these liberties, people will not gear themselves toward goodness, and human freedom becomes impossible. This does not mean that Confucians will not endorse liberties described in terms of “first generation rights.” It is just that liberties ensuring people’s material well-being are considered just as fundamental.

Third, Confucian civil liberties are communally based. Their validity and efficacy are measured in terms of their effect on society. The Confucian ideal of freedom is believed to have been realized in the sages. There is a primary difference between Confucian sages and Daoist sages. Whereas the Daoist can achieve sagehood alone in separation from human society, Confucian sages are essentially situated in society. Without a deeply engaged social life, no Confucian can achieve sagehood. For the same reason, Confucian freedom can only be realized in society. Only in working with fellow human beings can Confucians ever achieve freedom. For this reason and others, Confucian civil liberties are not grounded on a clear demarcation between the public and the private realms. Confucians may put limits on individual liberty to use pornography, for example, not only because it is unconducive to achieving human freedom but also on the ground that it may inevitably contaminate the public sphere.

To be sure, Confucian civil liberties are not liberal. However, they are founded solidly on the Confucian ideal of human freedom. Understanding Confucian freedom is key to justifying Confucian civil liberties. Conversely, in order to develop a comprehensive and sensible Confucian theory of civil liberty to meet contemporary challenges, we need to further study the Confucian philosophy of freedom, with more depth, breadth, and coherence.

## Notes

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- 1 – For instance, Wing-tsit Chan 1963, Schwartz 1985, Graham 1989, Van Norden 2011, and Lai 2008. In his excellent book *Confucian Ethics* (1993), Heiner Roetz quotes the “Ruxing” chapter of the *Book of Rites* regarding freedom: “(The Confucian) cares for his tranquility and appreciates freedom (*rong*, or leisure)” (p. 89). However, the Chinese text is 慎靜而尚寬 (*Shisan jing zhushu* 1980, 1671), namely “being careful and tranquil while promoting broad-mindedness.” The key word in this sentence is *kuan* 寬 rather than *rong* 容, which Roetz has rendered as “freedom.” A notable exception is Hsieh Yu-wei’s article on “The Status of the Individual in Chinese Ethics,” in which Hsieh presents a short (less than four pages) yet insightful discussion of freedom in Chinese ethics, mainly Confucian ethics (Hsieh 1967). My argument in this essay is in some way along the line suggested by Hsieh.
- 2 – For instance, see Cheng 2004. Peimin Ni also uses “free will” in describing Confucian freedom, but “free will” is not central to his account (Ni 2002, p. 122).
- 3 – For a detailed discussion of related problems, see Pereboom 2001.
- 4 – Dihle 1982, p. 20.
- 5 – Chamberlain writes, “Aristotle seems to use the term *prohairesis* to refer to all parts of this process, from the selecting from deliberation to the point at which desire and reason concur” (Chamberlain 1984, pp. 153–154).
- 6 – Here I present Augustine as commonly interpreted. For different readings of Augustine, see Schindler 2002 and Knuuttila 1999.
- 7 – Arendt 1978, p. 84.
- 8 – Dihle 1982, p. 144.
- 9 – *Ibid.*, pp. 24–25.
- 10 – Cheng 2004, p. 132.
- 11 – 吾十有五而志于學 (*Analecets* 2:4; *Shisan jing zhushu* 1980, 2461).
- 12 – 志，心之所思慮也 (*Shisan jing zhushu* 1980, 2685). I use Schwartz’ (1985, p. 273) translation here. Despite this statement, Schwartz evidently reads too much of a modern Western mentality into Mencius when he goes on to write,

“one must make a choice between good and evil and this is a deliberate act of the intentional will” (p. 273). For Zhao Qi as well as Mencius, it is a matter of a deliberate act of the intentional heart-mind, not of the “will” (*zhi*).

- 13 – Shun 2004. Jiyuan Yu’s (2007) comprehensive and meticulous study of Aristotle and Confucian ethics did not treat the “will” as a subject, presumably for similar reasons. Sor-hoon Tan explicates *zhi* fruitfully in terms of “personal commitment” rather than “will” (Tan 2003, p. 50).
- 14 – Xu and Duan, p. 502.
- 15 – See Frankfurt 1971.
- 16 – See Wolf 1987.
- 17 – Feminist philosophy covers a broad domain. In this essay, I focus on only one stream of the movement.
- 18 – See Raz 1988.
- 19 – Mackenzie and Stoljar 2000, p. 4.
- 20 – Meyers 1989, pp. 20, 32.
- 21 – Ibid., p. 53.
- 22 – 請見不請退 (*Shisan jing zhushu* 1980, 1512).
- 23 – 去止不敢自由 (*Shisan jing zhushu* 1980, 1512).
- 24 – Lau 1979, p. 89. 有官守者，不得其職則去；有言責者，不得其言則去。我無官守，我無言責也，則吾進退，豈不綽綽然有餘裕哉？ (*Shisan jing zhushu* 1980, 2693).
- 25 – 進退自由，豈不綽綽然舒緩有餘裕乎？ (*Shisan jing zhushu* 1980, 2693).
- 26 – The term 由己 *youji* in the *Analects* (12:1; *Shisan jing zhushu* 1980, 2502), literally, to follow oneself, expresses a similar meaning. The use of *ziyou* can also be found in the classic poem 《孔雀東南飛》 (The Peacock flies southeast) (ca. 200): 汝豈得自由 (How could you follow yourself!?).
- 27 – *Shisan jing zhushu* 1980, 1313.
- 28 – 擇，柬選也。柬者分別也 (Xu and Duan, p. 599).
- 29 – 君請擇於斯二者 (*Shisan jing zhushu* 1980, 2682).
- 30 – 子出之。吾擇焉 (*Shisan jing zhushu* 1980, 2116).
- 31 – 鳥則擇木。木豈能擇鳥 (*Shisan jing zhushu* 1980, 2167).
- 32 – In English, a person can “choose” something under undesirable circumstances and end up with a choice that is not really a “choice.” A student says, for instance, “I did not choose to drive all the way to campus, but the teacher gave a test,” suggesting that he did not want to come but came anyway in order to avoid missing a test. Of course, strictly speaking, coming to campus was still his

own choice, for no one had physically dragged him there. Similarly, Mencius says:

In antiquity, Tai Wang was in Pin. The Ti tribes invaded Pin and he left and went to settle at the foot of Mount Chi. He did this, not out of his choosing but because he had no alternative. (*Mencius* 1B14; cf. Lau 1970, p. 71)

Strictly speaking, however, Tai Wang had other alternatives, one of which was to fight and probably die. It was just that he did not have good alternatives. Therefore, ultimately, one still chooses even under such undesirable circumstances.

- 33 – 我死，則擇不食之地而葬我焉 (*Shisan jing zhushu* 1980, 1292).
- 34 – 召之，而擇材焉 (*Shisan jing zhushu* 1980, 2178).
- 35 – 擇人 (*Shisan jing zhushu* 1980, 2049).
- 36 – 里仁為美。擇不處仁，焉得知? (*Shisan jing zhushu* 1980, 2471).
- 37 – Hall and Ames 2003, p. 142.
- 38 – 誠之者，擇善而固執之者也 (*Shisan jing zhushu* 1980, 1632).
- 39 – 子曰，回之為人也，擇乎中庸。得一善，則拳拳服膺而弗失之矣 (*Shisan jing zhushu* 1980, 1626).
- 40 – 多聞，擇其善者而從之 (*Shisan jing zhushu* 1980, 2483).
- 41 – 君子多知而擇焉 (<http://ctext.org/da-dai-li-ji/ceng-zi-li-shi/zh>. Accessed April 5, 2013).
- 42 – 三人行，必有我師焉。擇其善者而從之 (*Shisan jing zhushu* 1980, 2483). The “good” (*shan*) can be either virtuous behaviors or virtuous persons. The Song commentator Xing Bing 邢昺 interpreted it as “good persons.” See *Shisan jing zhushu* 1980, 2483.
- 43 – 擇善而從之曰比 (*Shisan jing zhushu* 1980, 2119).
- 44 – See Wang 2003, p. 150.
- 45 – 子產之從政也，擇能而使之 (*Shisan jing zhushu* 1980, 2015).
- 46 – 君子務在擇人 (*Shisan jing zhushu* 1980, 2006).
- 47 – 擇善而舉，則世隆也 (*Shisan jing zhushu* 1980, 2009).
- 48 – Lau 1970, p. 99. 子之君將行仁政，選擇而使子，子必勉之 (*Shisan jing zhushu* 1980, 2702).
- 49 – *Shisan jing zhushu* 1980, 1673.
- 50 – Legge 1893/1971, p. 356.
- 51 – *Analects* 2:4; *Shisan jing zhushu* 1980, 2461.
- 52 – Schwartz 1985, p. 274.

- 53 – Kupperman 2000.
- 54 – For recent interesting work in this area, see Joseph Chan 2002.
- 55 – Hahm 2006, p. 477. Hahm argues sensibly, however, that the Confucian rule of *li* and familialism provide a viable alternative to liberty as defined in Western liberal political theories.
- 56 – *Mencius* 3A3; *Shisan jing zhushu* 1980, 2702.

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