

STUDII ȘI CERCETĂRI

ANCIENT AND MODERN PRACTICAL ETHICS OF HUMANITY: CONCRETE HUMANITY FROM MENCIUS TO SCHWEITZER

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Abstract. Ancient Chinese philosophy already developed a philosophy of humanitarianism in the general sense. The concept of *Ren/Jen* was indeed a main idea already in Confucianism. It was Mencius who was the most explicit, if not even the first, philosopher of what may be called “concrete humanity”. The paper takes up Albert Schweitzer’s discussion of MengZi’s philosophical humanitarianism and relates it to some modern ideas of Schweitzer’s philosophy of reverence for life and humanity. In addition, some traits of what concrete humanity means are listed and discussed, including the special idea of a moral or ethical claim towards human dignity. Thus, it seems that the ancient philosophers of China have already developed a moral theory of human rights – a fact which had been forgotten for a long time.

Key words: concrete humanity; humanitarianism; human rights; Mencius (MengZi); Albert Schweitzer

The general idea of being humane towards other humans, the ideal of an all-encompassing humanity was developed much earlier in ancient Chinese philosophy than in the middle stoic tradition (Panaitios) in the West. “Ren” (“humanity” or “humanitarianism”) was indeed the main idea in Confucianism already (KongZi: *Lun Yu* XII, 22), though KongZi (Confucius) himself did rather favour particularly the component of righteousness, rightness or justice in applying this ideal of humanity, relying basically on the well known *Golden Rule* (*Lun Yu* V, 12; XII, 2; XV, 24), i.e. the negative formulation of that formal principle of reciprocity¹. MoZi (Micius) had

¹ *Don't act towards others in a way that you don't want to be done unto yourself!* – Interestingly enough, KongZi had the positive version of the *Golden Rule*, also (e.g., *Lun Yu* VI, 30; XII, 2). He even went beyond the formal reciprocity. Unger (1995) finished his interesting article by epitomizing that “Confucianism ... discovered and developed the Golden Rule, analysed its implications and considered its consequences – it would not be Confucianism without the Golden Rule”.

extended the reciprocal idea of treating other compatriots in a humane way to all humans, including so-called “barbarians” (i.e. non-Chinese people); all of them were considered addressees of the universalised and generalised “jian ai” (universal love).

It was however MengZi who argued for the virtue, dignity (MengZi VI A, 17), and value of humanity and human love on a more down-to-earth level, dispensing with the over-emphasis on the rather abstract ideas of “yi”² and “li” (righteousness, or rightness, and hierarchy, or decency, respectively). He already went beyond any utilitarian justification in a modern sense³. Schweitzer (2002, 127) emphasized that human love in MengZi would “spring purely from the necessitation originating in compassion. It belongs to being human”. Thus, although certainly relying on KongZi’s vision of the “holy kings” or sages of antiquity and their high ethics as reflected in KongZi’s work, MengZi mitigated or moderated the respective rigour(ism) and emphasis on right-(eous)ness without denying this normative idea as a partial component of the ideal of humanity. Indeed, as MengZi repeatedly stressed (e.g., I A, 1): “All that matters is that there should be benevolence and rightness”, i.e. “humanity” (or “benevolence”) and “righteousness” (Legge). These would be the “only topics” and “themes”: “Benevolence is the heart of man and (VI A, 6, Legge). “Benevolence” or “humanity”, i.e. the idea of being humane to others, compassionate to all human beings, not only to compatriots, is certainly a less rigorous and formal idea than the rather abstract universal content of, e.g., the so-called Golden Rule. MengZi epitomized his own doctrine in a rather classical Chinese style:

“...whoever is devoid of the heart of compassion is not human, whoever is devoid of the heart of shame is not human, whoever is devoid of the heart of courtesy and modesty is not human, and whoever is devoid of the heart of right and wrong is not human. *The heart of compassion is the germ of benevolence; the heart of shame, of dutifulness; the heart of courtesy and modesty, of observance of the rites; the heart of right and wrong, of wisdom.* Man has these four germs just as he has four limbs.” (II A, 6, my italics)

MengZi even goes beyond KongZi: this can be seen not only by the fact that he talks much more and more warmly of humanity, but also in that he grounded it more deeply (Schweitzer 2002, 127). In KongZi, it still has a twofold root: It is rather derived from the principle of reciprocity and at the same time also looked upon as something directly given in the essence of humans. In MengZi, the utilitarian provenance (as

² But even “yi” (often just translated by “justice” or “the fulfilling of duties”) would cover much more than the Western concept of, say, compensatory justice. At least, it comprises distribution (distributive justice after Aristotle) and mutually useful or even “caring” behaviour in concrete “life situations”, indeed “humane behaviour” (Moritz 1990, 79). *Yi* is rather the *practice* of co-humanity (*Mitmenschlichkeit*) (*ren*), albeit somewhat more down to earth and pragmatically oriented than the all-encompassing “universal love” (*jian ai*) in MoZi. Whereas KongZi stressed that *li* was connected with *ren/jen*, MengZi would, by contrast, “emphasize within the relationship of *ren-yi-li* the two norms mentioned first in comparison to the latter one” (Moritz, *ibid.* 137).

³ Albert Schweitzer erroneously found utilitarianism prevalent in KongZi.

emphasized in MoZi⁴) is no longer found. Human love derives directly from empathy/compassion. It belongs to “the truly being human” (Schweitzer). MengZi explicitly even differentiates between “good” and “the profitable” or “useful”⁵ (VI B, 4). It would be essential for the ethical human being “to give full realisation to his heart” which “is for him to understand his own nature”, and “a human being who knows his own nature will know Heaven” (VII A, 1). “Mencius said, ‘From the feelings proper to it (i.e. nature, *H.L.*), it is constituted for the practice of what is good. This is what I mean in saying that the nature is good” (including the human nature) (VI A, 6).

Thus, human (caring and empathetic) love in MengZi would flow directly from compassion and co-sensitivity and be found in almost all humans. “The feeling of commiseration *is/implies the principle* of benevolence” (II A, 6; VI A, 6, italics by Legge). Accordingly, sympathy, empathy and compassion or commiseration are the basis of an ethics of human love, anchored in the nature of the human being itself⁶. Benevolence and righteousness both naturally belong to man (MengZi II A, 6). MengZi however tries to be more down to earth – regarding what Schweitzer (2001, 52) calls “the logic of the circumstances” – in order to develop some specific strategies and exhortation regarding the treatment even of *unloved* humans who are not relatives or friends (VII B, 1). However, as Schweitzer (2002, 129) also stresses, the “idea of ‘love thy *enemy*’⁷ remains still out of his scope” although MengZi forbids a hostile or inimical mentality. In general, everybody has to “look into” his own basic benevolence, goodness, and humanity, even wisdom (IV A, 4). It is the concreteness and practicality which characterizes MengZi’s approach in comparison to MoZi’s overall general humanitarianism of universal love.

Thus, Schweitzer (2002, 130) thinks that these optimistic and activist affirmative ethics went not only beyond KongZi’s social formalism and the traditional scope of common morals in terms of compatriots and reciprocity by including, as KongZi also did, non-compatriots, but also beyond MoZi’s universalism and all-encompassing “jian ai”.

MengZi seems to be the first “wise thinker” who really brought the idea of humanity down to earth in the *concrete* idea of being humane *in practice*, i.e., he is

⁴ Although MengZi in a way takes up the universal and general idea of human love as particularly emphasized in MoZi, he clearly criticizes the abstractness and all too comprehensive generality of MoZi’s encompassing ideal of human love.

⁵ Usefulness is – like *yi* in general – secondary to benevolence/humanity (I A, 1; see also VI A, 18). According to KongZi (after MengZi VI A, 5, Legge) “we *therein* (i.e. in exercising righteousness, *H.L.*) act out of our feeling of respect” which “is said to be internal”. It seems to be a rather deontological argument against any utilitarian foundation. Indeed, MengZi was according to Schweitzer (2002, 128) almost some sort of “a predecessor” of Kant’s universal *a priori* foundation of ethics relying essentially on the inner motivation of “the good will” (Kant).

⁶ This is true even of human *dignity*: “All men have in themselves that which is *truly* honourable” (VI A, 17).

⁷ Swidler (2003, 19) would even include love of “one’s enemies” in the treatment of the “unloved” ones.

the first humanist author to develop what can be called a *practical* or *concrete humanity*, as I would like to stress. In the Western tradition that would be attributed only to the middle stoic thinker Panaitios⁸. Generally, in the West, the idea of “humanity” (being human and/or humane in the treatment of other people) is accorded to these ancient stoic philosophers – most notably to Cicero.

Yet, the Chinese forerunners had already the same encompassing idea together with the attributes of practicality and concreteness some 200 years earlier. In particular it was MengZi who fought against the abstractness of ethics on the one hand, and its formalism or formalization on the other, by arguing for *concrete embeddings in situations and social settings* and nevertheless not sticking to utilitarianism or just egoistic interests.

MengZi even extended compassion and ethical treatment beyond the realm of humans to include benevolence towards and commiseration with animals, thus deviating from KongZi’s solely anthropocentric ethics. MengZi in fact tried to differentiate between “ai”, treating with care, as pertinent to animals (they are not loved in the human sense) and “ren” for human beings (even for foreigners or “barbarians”), whereas love in the full sense would be reserved to close relatives (VII A, 45)^{9,10}.

In general, Schweitzer’s assessment of MengZi’s contribution to humanitarian ethics is as follows:

“The ideal of the noble man, in which Kung-tse’s ethics climaxes is changed in Meng-tse to that one of man who has reached perfect humanity. 200 years before the ideal of humanity gains form for the first time in the history of European thought in the stoic Panaitios (ca. 180–100 B.C.), it is found in Meng-tse more vivid and deeper than in him (Panaitios, *H.L.*)” (2002, 133)¹¹

⁸ Or to his disciples such as Poseidonios, whose student Cicero “invented” or dubbed and proclaimed the “homo humanus” idea.

⁹ However, according to Schweitzer, this differentiation cannot be carried through fully: “All kinds of love would spring from the same source and flow together in the same riverbed. They cannot be separated. According to its essence, love is the same, towards whom ever it may be directed” (Schweitzer 2002, 133).

¹⁰ According to Roetz (2003, 119), in MengZi “the ‘naturally given’ social relations are complemented by a new relation into which one enters spontaneously – the relationship between friends, which is acknowledged by MengZi as one of the basic human relationships. It is this relationship that brings China on the way toward unconditional ‘universal love’” – as Roetz interprets Schweitzer: “Thus, Schweitzer, unlike most interpreters of Chinese ethics, had a feeling for the explosive power of MengZi’s fifth relationship. The potential of MengZi’s ethics unfolds in his ethics of ‘universal compassion’, which, for Schweitzer, was the climax of Chinese ethics.”

¹¹ Schweitzer goes on to state that only in MengZi is the ethical affirmation of life and world so vivid and deep that the idea of a civilized state (“Kulturstaat”) takes on an ethical character. “The objective of Meng-tse’s civilized state is an ethical humankind”. This ideal of a civilized state is certainly not MengZi’s creation. “Already long before, it has been developing in Chinese thought, determined by ethical affirmation of life and world. Meng-tse however renders the building complete” (*ibid.* 134)

Therefore, we can agree that MengZi's ethics was the climax of Chinese ethical thinking in antiquity, combining the enlargement of the scope of ethics to all humans (including even "barbarians") and even animals, with the rejection of utilitarianism and of an empirical a posteriori based ethics, nevertheless not dismissing, but stressing concreteness and practicality.

However, MengZi, according to Schweitzer, did not support the later Christian idea of "loving" (Legge: "care for") even one's enemies, though unloved humans are also to be treated like loved humans! (Legge: "proceed to what they do not care for") (VII B, 1). Unlike MoZi, who only made a general plea for love, MengZi also takes into account the idea of righteousness, rightness (*yi*) and duties to somehow "formalize" the respective relationships, although the "inner principle of action" would still be human love¹².

In short: Without denying the universally encompassing scope of the ethical as regards any human being and in fact any living being whatsoever, MengZi argues in a concrete and practice-oriented manner, not denying formal obligations, righteousness and justice as well as organisational necessities in rendering ethical intentions practicable¹³.

In a word, MengZi is the first great thinker to really combine the universal scope of the ethical and the idea of humanity (an ethics of being humane) with the need to be concrete and practical in one's thought, norms and actions. Thus, he is *the discoverer and father of concrete humanity, of the ethics of practical humanity*, the combination which Schweitzer himself particularly emphasized (see Lenk 2000).

Thus, MengZi, as Schweitzer's well appreciated ancient forerunner, highlighted the ideas and ideals of *concrete* humanity, of thinking and acting humanely in a manner that is at the same time rather general, if not universal, in scope, and practice-oriented or down-to-earth in the conditions and situations of real life¹⁴.

What now is the idea of *concrete humanity* in short (see Lenk 1998 and, as regards Schweitzer, Lenk 2000)?

¹² Schweitzer thinks (2001, 52) that MengZi like "hardly anyone else was gifted to have delved into the question of ethics in everyday life and still remain always deep (i.e. in his thinking and attitude, *H.L.*). For his depths it transpires as a sort of witnessing that he, being a practical moralist, sees utilitarianism as the great danger for ethics ... With the same seriousness as Kant, he defends the direct, absolute necessity of the ethical and protests against reducing it to the profitable, if even in the best intention".

¹³ MengZi even goes farther than Schweitzer himself who in his *Civilization and Ethics* (1923, 350) denigrates "the ethics of society" in contradistinction to the individualistic "personal ethics", which would be the "only true ethics" in the first place (*ibid.* 312 f, 325, 349, 352).

¹⁴ Schweitzer only added that MengZi had not stressed the "love even thy enemies" as Jesus would have done. Yet, MengZi required the loving treatment of the un(loved) ones. In a sense, Jesus with his all-encompassing ideal of caring love for everybody seems to be much closer to MoZi and his all-encompassing idea of "jian ai" than to Mengzi.

Schweitzer's ethics, like Mengzi's, is a universal, encompassing ethics in scope, and has an a priori rationalistic foundation of the ethical independent of utilitarian sources. At the same time it is an ethics of concreteness and responsibility in practical life. The idea of humanity would and should lead us through "the jungle of life" like a compass: Schweitzer only adds the general label of "reverence for life" ("Ehrfurcht vor dem Leben"). Indeed, both are outstanding ethicists of concrete humanitarianism.

Let us now deal with the question: What is the ethics of concrete humanity today and in the future?

In the Western tradition, Socrates was the first philosopher to emphasize the specific value of the individual person and thus the idea and virtue of the human being in philosophical and practical life. As mentioned already, the middle stoics like Panaitios and later Cicero developed the idea of the "homo humanus". It comprises in an emphatic sense the idea of a humanity cultivated by education and a refined moral and intellectual development, morality, noblesse and dignity, elegance, taste, solidarity, cosmopolitanism, kindness, goodness, hospitality, magnanimity, etc.

Jumping to the era of classical modern Western philosophy we have to emphasize: "Humaneness" (according to Vauvenargues the *highest* virtue) is considered by Johann Gottfried Herder to be a special ethical or moral virtue and basic idea. Herder developed an *ethical* theory of humaneness or humanity ("Humanität") including also practical humanity, i.e. situation-oriented, and thus (practically realized humanity in everyday life, transcending abstract general rules in the sense of a concrete sympathetic solidarity by practice-oriented ethical reasons¹⁵. Whereas the traditional ancient idea of *homo humanus* was rather static and educational, Herder conceived of it as an *anthropological* and *ethical* fundamental

¹⁵ Indeed, as early as 1793–5 Herder (1953) emphasized the peacefulness, sociability or community orientation (conviviality, being companionable), the participatory and empathetic aspect as well as sympathy, human dignity and human love and charity ("love for humanity"), justice and human duties (on a par with and combined with human rights), the supererogatory idea of going beyond formal duties and obligations. He also explicitly mentioned tolerance as the respect and acknowledgement of other opinions, attitudes and valuations of other people(s) and individual persons. Tolerance was not separable from humaneness, in particular practical humanity in the mentioned sense and vice versa. Tolerance is, so to speak, a basic value of a character, of an attitude, and of a way of liberal and pluralistic thinking and valuation. This value of tolerance as an attitudinal value closely combined with the respect of individuals and other persons in specific situations and in general, was one modern cardinal virtue according to Herder which should be instilled by education. Next to co-humaneness and the ideas of human solidarity and charity, it is tolerance, the respect for other individuals' opinions, beliefs, "Lebensanschauungen", i.e. views of life, and the other's civilization including his or her religion, that characterizes an important trait of philanthropy, including a way of practising co-humaneness in the form of mutuality of respect, sympathy, empathy, co-emotionality etc. Consequently, Herder launched a quest and a plea for the "unity of a true and potent immaculate moral character" (die "Einheit eines wahren wirksamen rein moralischen Charakters").

concept. He might also be seen as an intellectual opponent of Kant's moral rigorism which relied too much on *lawlikeness* in ethics and morality. The idea of practical humaneness and co-humaneness in concrete situations and practical contexts may even be expressed by an apparently paradoxical formula: *Do not rely always and strictly on abstract moral rules and commands, but exercise a more humane, individual- and situation-oriented way of life* (cf. Lenk 1998, 132ff)¹⁶. This approach implies that super-regulatory and supererogatory aspects of humaneness are particularly relevant in the field of practical humanity, admitting of exceptions and special considerations according to the general leading idea of a co-humaneness or participatory and mutually respectful humanity.

It is the idea of a theory of *practical or concrete* humaneness (“*konkrete Humanität*”, see Lenk 1998) dating indeed back to Mengzi's and Herder's idea of a practical humanity, for which, starting from discussing Schweitzer, I coined the slogan, “*In dubio pro humanitate concreta sive practica*” (In cases of doubt, plead – and act – always for concrete or practical humanity”).

An outstanding or even *the most prominent modern proponent* of this principle was indeed Albert Schweitzer himself¹⁷ (1960, 352, see also 348 f.) who considered ethically valid “only that which is compatible with humanity”, and with a truly human practical responsibility in concrete everyday situations. Schweitzer¹⁸ also said that humaneness or “practical humanity” even literally *consists* in the belief that a human being should never be sacrificed on the altar of any aim or objective whatsoever (*ibid.* 313)¹⁹. “Abstraction is the demise of ethics: for ethics is a living relationship with real life” (*ibid.* 325)²⁰. We can safely expand this to mean also “Abstraction is the demise of practical humanity”, of an ethical humanism *in concreto*.

¹⁶ Not the strict enforcement of rules and commands *per se* like any “*Fiat iustitia, pereat mundus*” should be the guiding idea in morality – nor should there be a general rule like “*Fiat moralitas, pereat mundus*”, but the respective consideration of humane perspectives and moral values as well as generosity beyond pure and strict legal or moral norms, in a sense which Christian ethics called the “works of supererogation” (capacity and readiness for supererogatory deeds and words, to do the *not* demanded good).

¹⁷ Schweitzer, surprisingly, did not base his ethical humanitarianism on Herder's but rather on Goethe's humanist classicism as well as – to be sure – on the Christian doctrine of caring love.

¹⁸ As mentioned, Schweitzer, like Mencius, even expanded the idea of a practical humanity to a “humane” treatment of animals (1960, 349; 1961; 1994).

¹⁹ The idea and theory of practical humaneness and co-humaneness implies some approach like Fletcher's “situation ethics” (1966). It cannot however be restricted to situation-oriented action, but is generally regulated by a *universal* principle of taking into consideration co-humaneness, solidarity, a typically humane morality, whereas situation ethics only brings to the fore the particular aspects of special circumstances.

²⁰ However, both of these statements are abstract ones; they are not really operative or operational by themselves to render situation-oriented concreteness and practicality. We need values, virtues, and *viable* norms to render and engender “concrete” humanitarianism.

Schweitzer's humanism is certainly not just an abstract idea, but rather *practical* humanity *in concreto*, a sort of practical or as it were "concrete humanity" or "concrete humaneness".

Schweitzer was a moral genius of humanitarianism *in concreto* – both in his practice *and* in his thinking. In his ethical practice, he was not embarrassed or misled by any theoretical ambiguities, vicissitudes or difficulties. In his ethical practice he pursued his own way steadfastly, with determination and unperturbed, really being a kind of "moral genius" of humanistic and humanitarian *praxis*. Here, he was unwavering, though he could not succeed in the comprehensive rationalistic foundation of ethical theory in general (see Lenk 1990 and 2000). In matters of ethical practice, he remains not only a paragon of ethical mentality and impressive versatility, but also an important critic of traditional ethicists and a theoretician of ethics, though here certainly not of such originality as in his practical ethics and regarding his idea of concrete humanity. He was in our times one of the most outstanding practitioners and also theoreticians of what we may call "concrete humanitarianism" or "concrete humanity" (in the sense of always being humane towards any human and even to other living beings).

We might, as mentioned, coin a slogan to summarize his humanistic conception by saying "In dubio pro humanitate concreta!" (In doubtful cases of decisions and actions as well as conscience, always give first priority to practical and concrete humanity – even against abstract principles of humanism and, at times, traditional or law-abiding values.)

Indeed, ethics is not just, or primarily, a matter of ethical laws or rigorous universal prescriptions, absolute norms, or casuistic typologies. Rather, ethics is mainly a matter of practical decisions pertaining to and transpiring within life *in concreto*, regarding decisions of our conscience under the overall idea of humane behaviour with respect to any other humans as well as all other living beings coming into the scope and realm of one's reach of responsibility and actions – maybe on a face-to-face basis or on other "secondary" interactions, at times even including rather remote (today including some intercontinental) dependencies.

Concerning the idea of "concrete humanity", we may state that all the attitudes, virtues and moral values of the concrete humanitarian approach as embraced by MengZi, Panaitios, Herder, and Schweitzer also draw heavily on the super-erogatory character of truly ethical considerations or really moral motivations in the narrower sense; they transcend and at times even transgress strictly enforceable rules from the perspective of an extended practical humanity. In particular, *the noble idea and practice of forgiveness or condoning is virtually a climax of humanitarianism and genuine humaneness*. (Regarding practical humanity, a widely known paragon example of this is the Good Samaritan of the Christian Bible. Practical humanity is definitely *not* pharisaical. We find parallel examples in the Koran, in Buddhism and – as outlined above – in Confucianism as well, in particular in MengZi.)

Practical humanity highlights not only adequate and person-oriented ways of coining, instilling and transmitting attitudes and valuations, assessments, etc., but also leaves open a realm of formally guaranteed liberty in which to develop and

cultivate oneself – an essential idea in KongZi as well as in MengZi. It concentrates on a holistic view of persons as against segmentation and division into roles and partial functions. Concrete humanity and substantial tolerance are in that sense person-oriented and holistic, although always in a practical setting.

They also exercise justice as fairness in accordance with Rawls and a certain kind of fair behaviour in everyday life. Practical humanity emphasizes co-humaneness in groups, irrespective of valuations, feelings, and aspirations and in day-to-day life. It stresses co-humaneness – like *ren* which explicitly includes the *social* component – not only as a way of knowledge, but also philanthropy as characterizing empathetic, communicative, sympathetic, and feeling, compassionate beings. Personal responsibility with respect to partners in concrete social and day-to-day situations and with regard to social systems and ecosystems are new aspects of the humane handling of environmental and social challenges. Even the practically humane treatment of non-human creatures is part and parcel of practical humanity in this sense; this is, as was emphasized, stressed by Schweitzer – even more pointedly than by MengZi.

What are the traits of concrete humanity today? These traits can be listed as follows:

Concrete humanity / Practical humaneness

1. Always respect the human dimension. Self-imposed (“wise”) moderation.
2. Take into account conditions and constraints in practical situations but always from a logical perspective (consistency).
3. Do not segment humans into partial roles and functions, but treat other persons from a holistic point of view.
4. Argue as far as possible with fairness to the individuals – including their attitudes, valuations, personal assessments.
5. Justice as fairness (Rawls): Be fair in daily life – not only in sport.
6. Allow unto others open space for actions, opinions and decisions.
7. Cultivate this liberty for yourself also.
8. Respect humanity and exercise humaneness in and in front of groups.
9. Treat others with tolerance.
10. Take personal responsibility in your own practical realm of action.
11. Show charity to the needy in your realm of responsibility.
12. Treat all humans as empathetic, compassionate and communicative beings.
13. Forgiveness and condonation are the true epitome or hallmark of humaneness.
14. Treat other creatures with humaneness, too, e.g., domestic animals and primates.
15. Have and exercise a general “reverence for life” and affirm and honour the “will to live” (after Schweitzer).
16. Act and contribute to an environment worth living in and with a decent quality of life for humans, higher animals and even representative plants and the necessary sustainable functioning of important eco-systems.
17. Feel respect and prepare for providential caring responsibility for acceptable living conditions (including freedom of decision and life-style) of human generations to come.
18. Act always in a way conducive to safeguard the “indefinite continuation” of the existence and decent life of humankind (after Jonas).

19. Have self-respect and take responsibility for your own person.
20. Pursue self-cultivation in the form of aesthetic refinement of taste, personal experience (including a really humane and partner-oriented sexuality).
21. Refine and watch the formation of your own and societal values abiding by the quasi “categorical imperative” of representativeness (after Kant): Act representatively!
22. Always try to exercise caring “love” and humaneness in concreto: *In dubio pro humanitate practica/concreta!*

In the age of all-encompassing globalization, situation-dependence and action orientations as well as responsibilities have changed quite drastically: Through world-wide communication and economic interdependency most of the less fortunate people who were hitherto deemed very remote from us are now our “functional neighbours“, as regards survival chances (food, medical care, economic conditions, etc.) and a minimum of well-being depending on responsible help from the privileged parts of the world. Even if the problems of famine, undersupply of food and inadequate healthcare are not easily solved by existing political, legal or economic measures, the situation necessitates new ethical responsibilities and certainly redefines the concepts of “dependence”, (functional) “neighbourhood” and “concreteness” or even “situation-orientation” in terms of interdependencies and worldwide interactions: If not (only) from a legalistic perspective, we certainly need to find new ways to extend applied ethical approaches that highlight the new worldwide functional adjacencies, interdependencies and interactions. We need a new understanding of humanitarianism in the sense of concrete humanity, given the greater situation-dependence, by defining and applying new concepts of the “concreteness” of social “situations”, interactions, interdependence, etc. in a functionality-based sense. Ethically speaking, this drastically changed situation on our finite planet Earth, with its ever more limited resources, overpopulation and undersupply as well as distribution problems, really calls for a revolution in our ethical thinking and notably in our ethical and humanitarian practice.

Certainly, the idea of a general practical humanity or co-humaneness (practical human solidarity) also implies and involves aspects of a formal *and* substantive tolerance and fairness with respect to opinions, rules, communication and conflict regulation. Therefore, it contains subordinate ideas and procedural norms and rules for social communication, action systems, and strategic situations (in particular rules for procedures of conflict regulation that are consistent with ideas of basic fairness and tolerance)²¹.

²¹ The motto “In dubio pro humanitate concreta” may be extended to the slogan “In dubio pro humanitate concreta atque tolerantia practica”. Practical humanity or co-humaneness and tolerance are concepts and norms or values which mutually depend on one another. This is especially true of horizontal tolerance and humanistic (individual-oriented) tolerance, but it also has major implications for procedural, legal, and public strategies of the constitutional state. Tolerance as a moral ideal is a pervading, rather functional (mainly, but not only procedural) way of respect for differing or even opposing opinions and for regulating conflicts in a

We can also trace a specifically educational road from the legal conception of human rights towards an ethical interpretation of human dignity claims and a proposal for a human right to creativity and creative activity which seems to be basically Confucian (“Learn and exercise all the time!”) and Mencian in its idea and contents as well as in its mental and conceptual character and motivation.

To come to some closing remarks: if we turn to the topic of general *human rights*, we can find the following historical development: Literally speaking, the tradition of human rights discussions and conceptions as well as declarations – including the *Universal Declaration of Human Rights* of 1948 – constructs human rights as legal *protection rights against* encroachments by the state or ruler, i.e. human rights were conceived of as prevention rights for the protection of individuals. These rights and legitimate moral claims of the individual vis-à-vis the state and other holders of power in a legally codified version. However, starting some decades ago, protective human rights have been *widened*, so to speak, to include positive self-determinative and *participatory* rights for the individual to choose his or her own lifestyle as well as self-determination (including in recent jurisdiction as, e.g., by the ruling of the German Constitutional Court, informational self-determination). We have also seen the development of participatory rights for the individual to the guaranteeing of a certain living standard and *social participation* in order to make possible a life consistent with human dignity: There has been noticeable progress from the interpretation of human rights as protection rights vis-à-vis the state or ruler towards the rights of active participation in social life and partaking in guaranteed social opportunities etc. as well as towards the inclusion of sometimes so-called *collective human rights* of groups, minorities, etc., guaranteeing them equal treatment. In other words, there has been a remarkable development from the interpretation of legally codified protection rights towards *participatory social opportunity rights* and guaranteed life-improving maintenance (at least in principle). The latter human rights can be called *social human rights* or *positive beneficiary rights*, as I have stated elsewhere (2001). Indeed, there is, historically speaking, a characteristic extension of the original meaning of negative protection rights (against non-encroachments) towards positive participatory and beneficiary social rights as well as the guaranteeing of opportunities and chances.

If this is true of the legal interpretation of codified human rights, it is all the more true of the ethical interpretation of regarding legitimate moral claims to enjoy the

pluralistic society on the intellectual level, according to the principles of fairness and procedural reason under the auspices of basic egalitarian conceptions of humankind bestowing equal worth on all human beings. Tolerance is part of the essentially humanitarian tradition of the human rights movement which is, e.g., highlighted by the *Declaration of Principles on Tolerance* of the UNESCO of 1995. Tolerance has to be spelled out according to the above-mentioned types and functional differentiations to render more substantial and effective some rather formal insights into specific variants of the general humanitarian approach. There is no true humaneness and co-humanity without general legal and moral as well as situation-oriented tolerance. *In dubio pro humanitate concreta sive practica atque tolerantia formale et substantiale!*

privilege of being treated according to the principles of human dignity. Instead of just speaking of moral human rights, I prefer now (Lenk 2001) terminologically to speak of legitimate moral or ethical *claims to human dignity* (“Menschenwürde-anrechte” or “Menschenwürdigkeitsanrechte”) instead of my earlier (Lenk 1997) references to the apparently all too much legally shaped moral “rights” in a narrower sense²². I shall not go into the details of these differences and the historical development here.

I would like to add here another moral human “quasi-right” of human dignity or an ethically legitimate participatory claim regarding freely chosen, non-alienated authentic creative activity (*Eigenactivity*) or – to play on words: “creativity”, i.e. “Eigentätigkeit” or “Eigenleistung” (see my 1983, 1985–6, 1994, 2001). Like the above-mentioned reflexive programmatic, legally not enforceable human right to a job and a corresponding standard of living etc., this would also be proposed as a human right to be educated, to indulge in non-alienated free creative activity (including at times recreation), to enjoy and perform meaningful *eigenactivity*, i.e. productive activity being part and parcel of authentic and free self-determination and self-development. Voluntary proper *Eigenactivity* and *Eigenachievement*²³ would be considered a legitimate ethical claim to human dignity and even proposed as a human right of a participatory social provenance (like the “reflexive” right to have or get a job). The state would have to ensure that the conditions and opportunities for such creative free activity of the individual, in short, for *Eigenactivity* and *Eigenachievement* and creative performance have to be fostered, if not guaranteed, at least in the sense of providing free scope for such activities. This would also include a reorientation and revaluation of voluntary activities in social realms.

Such a new positive cultivation of freely chosen, personally engaging non-alienated meaningful activities should be developed and fostered in the framework of a human right (or ethical claim) to social and meaningful *Eigenactivity* and creative personal actions as well as recreation. This may be understood as an extension of or in agreement with some of the UN declarations of human rights of 1948 and 1966. This particular variant of a participatory positive ethical human right is certainly a special interpretation of the very basic human right to education and has certainly to be realized in education. Indeed, education towards the abundance by and through such human right is part and parcel of such an extension of an activist positive interpretation

²² In fact, the latter development would also include the general legally not enforceable human rights as, e.g., the general collective human right to jobs and other so-called “reflexive” “programme statements” within the *General Declaration* as well as in the *European Social Charter* of 1961 (II, art. 1) stating just general guarantees, no legally enforceable rights or claims of the individual. The same is true of human rights to education (*ibid.* art. 26) and participation in cultural life (art. 27); also in the UN Human Rights *Convention on Economic, Social and Cultural Rights* of 1966 (III, art. 6).

²³ KongZi already emphasized (*Lun Yu* XV, 20) that the noble man would hate the idea of leaving the world without having achieved something worthy of continuous acknowledgement. Time and again in his counselling statements, he comes back to the necessity, and value, of “learning, learning, learning!” (*Lun Yu* I, 1+4, I, 14, II, 15, V, 15, V, 28, XV, 31, XIX, 5f).

of many of the thus far codified human rights and of the principles underlying them. To note, the emphasis on recognizing the duty to educate oneself by active permanent learning and by authentic *Eigenactivity* and even the need for lifelong learning was repeated time and again by KongZi (*Lun Yu, passim*) and MengZi (IV B, 14; VII B, 5; VI A, 11; VI A, 20).

Whereas we have first of all to teach human rights in the strict and basic sense of protective and participatory rights – particularly in situational settings taking into account concrete (practical) humanity – we should see to it that the ethical human right or legitimate moral claim to meaningful *eigenactivities* and authentic creative endeavours is guaranteed and included in the general discussion on human rights and human dignity. Humans are creative and free beings: Not only ideally speaking, but in practical settings, too, education should foster this objective and emphasize the positive activist connotations of the thus extended ideas of human rights.

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