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Shue and Mencius on the Provision of Subsistence

In this work, I will examine the approaches for the provision of subsistence to those whose subsistence is threatened offered by Henry Shue in *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy (BR)* and the Chinese philosopher and student of Confucius, Mencius (direct quotes coming from the *Mencius*). These two thinkers, coming from very different times (Mencius lived in the fourth century BC while Shue is contemporary) and places, approach this problem with surprisingly similar objectives but quite different methods (although sometimes not so different). Because of the disparity between these two approaches, their comparison will result in exceptionally fruitful and refreshing ways to confront the lack of subsistence that so many people suffer. The analysis of Mencius, even though many centuries have past, continues to be informative and will certainly help us think about subsistence needs even today. Shue's arguments, though not so old, acquaint us with more current thoughts, especially in regard to subsistence rights. I will break the topic of subsistence provision into three questions: Why? What? and How? Why is the provision of basic subsistence necessary, i.e. what is its justification? What constitutes basic subsistence? How do we go about providing it? The answers to these questions will overlap greatly, but in the end I believe a holistic account will emerge and a greater understanding of the problem will follow.

Why?

For Henry Shue, the provision of subsistence is more than something that everyone happens to agree about. It is a universal, fundamental and natural right. In fact, it is a right regardless of what you may believe (*BR* 73), but he does not offer any kind of epistemology or logical deduction of this claim. He acknowledges this, and asserts that we must take this as a starting point in order to move on and create a productive argument for rights. Shue's claim rests on the basis that subsistence is necessary for the enjoyment of other rights and also for an individual to maintain a minimum level of dignity as a human being.

The former reason--that subsistence is "essential to the enjoyment of all other rights" (*BR* 19) like the right to security from physical harm or liberties like freedom of expression or movement--is why Shue labels the right to subsistence a "basic right." Without subsistence, people cannot enjoy any other rights because they would be unhealthy and/or in constant pursuit of mere survival. Likewise, without security or liberty, subsistence could not be ensured. Without any one of the these three rights (subsistence, liberty, and protection from violence), neither of the other two could be enjoyed. For example, if one cannot assemble free from the danger of physical harm, then she does not really have the right to assemble (*BR* 26). Similarly, if one is constantly preoccupied with putting food on the table, she cannot exercise certain basic liberties.

Shue holds that each one is instrumental to the enjoyment of the others; therefore, each one is a basic right. This conclusion is neither sound logically nor true in practice. Just because X is a necessary condition for Y does not mean that X is a right. For example, if one of my lungs is necessary to sustain your life, it does not follow that you have a right to either of my healthy

lungs. Though Shue does not even recognize this objection, I believe he would acknowledge it as logically valid, but continue to make his case on the grounds that the instrumentality of these three requirements provides at least a good reason to support his claim. As for it being true in practice, the cases of China and Cuba, where people enjoy subsistence but not certain liberties, provide strong counterexamples.

Shue also bases his justification for subsistence rights on what it means to be a human being. Minimum economic security means having “available for consumption what is needed for a decent chance at a reasonably healthy and active life of more or less normal length, barring tragic interventions” (*BR* 23). The economic deprivation that exists is simply “moral rock bottom” (*BR* 123), i.e. there can be no deeper reason to justify changing this situation so that everyone can enjoy, at least, subsistence. Subsistence, like all basic rights, specifies “the line beneath which no one is to be allowed to sink,” and is closely tied to self-respect (*BR* 18).

Mencius would agree that one reason for providing subsistence is also based on what it is to be human. Echoing Shue’s (or really Shue echoes Mencius) concept of a minimum standard below which one should not fall, Mencius says, “The palate is not the only thing which is open to interference by hunger and thirst. The human heart, too, is open to the same interference” (VII.A.27). The heart is essential for moral action (which will be explained below); thus if it is hindered, one cannot be a moral agent. In another piece of wisdom, Mencius takes this concept even further: one who is hungry cannot be expected to act morally and should not be held responsible for his actions (III.A.3). Similarly, Shue writes, “When people have so little to lose...it is difficult to give them motivating reasons not to resort to violence” (*BR* 129). In fact, Shue is claiming more than simply that people in such circumstances should not be held

responsible for their actions. He is asserting that they are not even immoral in the first place; rather, they are morally justified in their action. This was a radical notion of crime in Mencius's day and is no less bold for Shue to make a similar assertion even today.

For Mencius, the greatest reason for providing subsistence to the people lies in the Mandate of Heaven. Heaven allows the ruler to continue ruling on one condition--that he provide for the people. If the ruler fails to perform this duty, he loses his legitimacy. One of Mencius's students asked, "Is it true that Yao gave the Empire to Shun?"(V.A.5). Mencius corrected him, stating that Heaven gave the Empire to Shun. The student then followed his first question by asking his teacher how he knew. Mencius replied that "Heaven does not speak but reveals itself through its acts and deeds." The acts and deeds to which Mencius was referring were those of the people. Their acceptance of the way Shun kept order in the Empire signified the acceptance of Heaven. In this way, the legitimacy of the ruler depends on the people. If they do not enjoy subsistence, they will surely be discontent. And if the people are discontent, the ruler will lose the Mandate of Heaven. This is why Mencius quotes a passage from the *T'ai shih* which reads, "Heaven sees with the eyes of its people. Heaven hears with the ears of its people."

Mencius equates caring for the people with any other kind of moral act. The Chinese philosopher asks King Hui of Liang, "Is there any difference between killing a man with a staff and killing him with a knife?" The king replies negatively. Mencius then asks, "Is there any difference between killing him with a knife and killing him with misrule?". Again the king answers "no." Indicating the fat meat in the kitchen and the well-fed horses in the stables of the king, while the people starved, Mencius reveals how the king has failed and simultaneously implies that the king has not only failed in his duty to the people, but is also a murderer (I.A.4).

No doubt such a king would suffer the same fate as Tchou. Someone, wondering about the affairs concerning the killing of King Tchou, asked Mencius, "Is regicide permissible?" Mencius indicated that King Tchou ruled with extreme cruelty, mutilating benevolence and crippling rightness. Consequently, he concluded that he had heard of the punishment of Tchou, but he had not heard of any regicide (I.B.8). In other words, Tchou did not treat his people well and thus was not a proper king; therefore, his execution was not the execution of a king. From these passages one can see the supremacy of the people as the aim of government. If the people starve, the king will lose their support and the Mandate of Heaven along with it.

Already we can see the beginnings of the fundamental difference between the approaches of Shue and Mencius. Shue begins his argument from the perspective of the claimant. He demands certain minimums, assuming that people will act in a self-interested manner when not regulated by laws and a means of enforcement. Of course, it is not necessarily true that people will act in that manner, but it is still the basis for Shue's line of thinking. Basically, Shue works from the bottom up, starting at the minimum level of subsistence and demanding that those above meet it. These demands are essentially what rights consist of, and hence Shue's use of rights-language.

Mencius works from the top down, relying on the positive benevolent action of the king. He begins from the perspective of the ruler and how he can provide for his people, not that to which those people have a claim. For both, the interest of the people is primary, but the means to achieve that end are very different. Shue suggests a plan that has its source in those who make the demands; it is *of* the people. Mencius bases his ideology on meeting the needs of the people; it is *for* the people.

What?

Shue does not spend much time specifying what a “decent chance at a reasonably healthy and active life of normal length” is. He does write that by “subsistence” he means “unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care” (BR 23). One with a “life expectancy of thirty-five years of fever-laden, parasite-ridden listlessness” (BR 23) would not suffice, for example. Exactly how to distinguish subsistence rights from broader economic rights he thinks would be “interesting to explore,” but people certainly do not have a right to own a car or two weeks paid vacation every year.

The Human Development Report, put out annually by the United Nations, offers excellent standards for the minimum any human should consider a decent life, and I think Shue would agree to such terms. In the report the authors assign certain indicators of poverty, such as having not living to the age of forty, no access to safe water, sanitation, or health services, underweight children, and living on less than one dollar a day. If subsistence rights were ever put into practice, we might imagine that when the specifics of the criteria for poverty were defined they would resemble these standards put forth by the HDR.

Shue extends the notion of a right, claiming that it must be more than in word only. For one to have a right is to enjoy the substance of the right. For example, less than a century ago in our country, people all had the right (though perhaps it was not in the Constitution, the courts had made it so) to equal facilities. These facilities could, however, remain separated by which race had access to them. What resulted was a vast discrepancy in the quality of the facilities, whites having much better ones than minorities. In other words, the right to *equal* facilities was merely a right *de jure*. The reality of the situation was that the *substance* of the right to equal facilities

was not enjoyed by minorities. Therefore, measures had to be taken to ensure that this right was actually enjoyed by all. Subsistence should be no exception. A government cannot claim that it will provide for its people and not follow through; this would be “like furnishing people with meal tickets but providing no food” (*BR 27*); it would be, in essence, not honoring the people’s right to subsistence.

Mencius outlines similar standards. All people should be able to care for their parents, wives, and children and have enough food even in the bad years (*I.A.7*). Parents should not suffer from cold or hunger, nor should families be separated and scattered about (*I.A.5*). The measurement of success for a ruler is when the aged of his kingdom wear silk and eat meat and the masses are neither cold nor hungry (*I.A.7*). Where Shue draws a line between basic rights and other non-basic rights, Mencius, of course not using rights-language, does not draw distinctions. He argues that one should rely on morals to guide him to do act appropriately instead of defining the specific details of various claims.

For Shue the what of provision must include another aspect--a social guarantee, especially against standard threats. A standard threat for subsistence would be an act or event which places people’s subsistence in danger. Shue calls them “standard” because they are predictable and preventable (*BR 32*). He does not, however, expect us to prevent all imaginable or possible events like natural disasters. It is inherent in some economic strategies, for example, that people will be marginalized and live in poverty. This outcome is predictable, and it can and should be prevented.

Mencius, because his counsel was directed to rulers or potential rulers, does not discuss social guarantees. The ruler, conversely, is concerned with the provision of subsistence. Shue,

coming from the perspective of the claimant, demands social guarantees to protect people from just such a situation in which the fate of the people can be determined by the whim of a dictator. Mencius, of course, would put it under a different light, claiming that the people's livelihood is at the ruler's fingertips, but these are the fingertips of a well-developed moral agent who has the uppermost concern for his people. What Shue and Mencius do have in common is an emphasis on the actual enjoyment of subsistence, though they provide it in very different ways.

How?

By looking to those whom Shue and Mencius address, we can learn much about how they expect minimal economic conditions to be provided. Shue directs his argument to the claimant. After convincing us of the necessity of subsistence rights, he then tells us the duties that rights entail. Many philosophers divide duties into positive and negative categories. A positive duty requires action while a negative one requires simply refraining from harmful action. Duties, asserts Shue, cannot be separated so; rather, they all include positive and negative aspects. To create an example not having to do with subsistence, if one has the right to security from physical danger, then in theory that means that all others must merely refrain from harming others. We know that this true only in an ideal world, and Shue notices that ensuring the right to security also means taking positive action. Recognizing factors like self-interest and identity and the fact that violations of duty *are* a part of the world, Shue argues that we must have "default or back-up duties, like duties to protect, duties to aid,"(BR 171) carried out by institutional arrangements like laws and a police force.

Shue prefers to divide duties into three categories, which accompany every right. They are the duties to 1) avoid depriving, 2) protect from deprivation, and 3) aid the deprived of the right (*BR 52*). How to fulfill the first of these duties is obvious, but perhaps the most difficult to actually execute--don't deprive people of their right to subsistence. It is difficult because it would require the rich to sacrifice the opportunity to purchase certain items and services that Shue labels as preferences. Examples of preferences would be luxury items, to which we have no right and are of no cultural value either (*BR 114*). Because "Basic rights are the morality of the depths" (*BR 18*), we are required to sacrifice anything except our own basic rights to honor the basic rights of others (*BR 114*). For example, as long as there are people starving, I am obligated to refrain from buying an expensive car. The money that would be spent on the car could then be used to help those people who do not have enough to eat, and the person who would have bought the car will certainly maintain her subsistence. Shue believes that the sacrifice of such preferences would be enough to cover the lack of subsistence suffered by all, but in theory, the sacrifice of more, perhaps the purchase of any car, must be required if, after the sacrifice of preferences, there still exist those without subsistence. Shue does not specify how much is too much to spend on something, but his point is that in principle anyone's basic right has priority over another's preferences.

According to Shue, in theory we may be required to sacrifice even those things which are of cultural value, but he maintains that such a sacrifice would be extremely unlikely. Shue distinguishes cultural enrichments from the above preferences, claiming that cultural enrichments are different because they are of value and enhance one's life whereas preferences have no inherent value. By cultural enrichments, I assume he means going to theatrical or musical

productions, purchasing art or musical instruments and things of that nature, which are valuable, but not necessary and certainly not as important as basic rights. In some cases it is simple and helpful to see this distinction, but really this differentiation is much more gray than black and white. Does a million dollar painting still counts as cultural enrichment? Art does enhance our lives, but can we justify such an extravagant purchase while others suffer? This then also begs the question about what constitutes art, which is an ongoing debate in itself. Some might even claim that the inordinately costly car above could be a work of art. Surely, it would not be unreasonable to expect one to sacrifice such an lavish object to provide for another's subsistence.

Shue definitely believes that some redistribution of wealth needs to occur, but not to the extent of or for the sake of equality. The goal of redistribution should be merely to bring those below the level of subsistence to that level. As for how to actually implement such an arrangement, he does not offer an explicit plan as to whether people should directly aid the poor, work through government agencies, or merely support policies that would provide for such measures. Shue does claim that the arrangements we create must answer three questions: What is fair to expect people to do? What is efficient to ask people to do? What is possible to motivate people to do?

Shue mentions the possibility of international government to enforce redistribution on a global scale. For such a large scale plan, it would be essential that providers move beyond the sentiment that they feel for those close to them and become motivated to act on behalf of, and perhaps even sacrifice for, those with whom they have little or no association. Shue claims that it should make no difference where the recipient is from, asking, "If two people are starving, why

should it matter, to the point of my being bound to aid the one and not bound to aid the other, that the one and not the other is my compatriot?" (*BR* 139).

In the creation of such arrangements designed to counteract standard threats, the second type of duty begins to mix with the third, the duty to aid the deprived. We prevent non-subsistence by actively creating arrangements, such as laws and regulatory agencies, to enforce the prevention of deprivation and redistribute wealth. A program that implemented and enforced the above system wherein people sacrificed preferences and redistributed wealth would be an example of just such an arrangement. In this example, measures taken to aid the deprived are also measures that prevent their deprivation, and we see why Shue does not believe that duties can be split into positive and negative categories.

To understand how Mencius suggests that we provide subsistence, one must first possess a general understanding of the Mencian moral agent. For Mencius, people differ from animals because of one quality in particular--our hearts. Within our hearts we hold our moral potential. All of us have it, and when we nurture it, it will develop into (good) morality. To be moral is natural for people, and thus Mencius would say that one who is moral has "retained his heart"/(IV.B.28, VII.A.1). Conversely, when one acts immorally, he can be said to have "let go of his true heart"/(VI.A.8). Clearly, for Mencius, people are good by nature, and immoral action comes unnaturally to us. Just as "the mouth is disposed towards taste"/(VII.B.24), the heart is disposed to moral action.¹

For Mencius, the heart is the organ that thinks, but it is a special kind of thinking. Because the heart is the seat of morality, the type of thinking that it performs is moral thinking--a consideration of duties, purposes, priorities, and other topics relevant to moral action. The

heart's ability to think distinguishes it from the senses and other parts of the body, which are led completely by external things like sights and sounds. If one refuses to think morally, however, he can be misled just as easily as the eye is attracted to color. Thus one must use his heart to act morally (VI.A.15). If man's heart did not have the ability to think, his actions would be completely determined by his desires which are determined by external objects, and he would be just like any other animal.²

Mencius believes that all people can become sages, but only through nurturing the heart. The cultivation of morality is the purpose of education, and without it the heart will go astray. Hence Mencius says, "The sole concern of learning is to go after this strayed heart" (VI.A.11). He is not specific about this process of moral education, but we might imagine that it follows the Confucian tradition of studying the rites, classic works of poetry, and the stories of great historical figures. Another part of this education is practice. Morality matures by exercising it properly everyday. To illustrate the nature of our moral tendencies, Mencius provides the analogy of Ox Mountain. This mountain was once lush, green and covered with trees. After constant deforestation by the local people and the daily grazing of cattle and sheep, the mountain became bald. When people saw its baldness, they falsely believed that it never had any trees and never would. The potential, though, was always there as new shoots sprouted every day. Like the mountain, man has the potential to be moral, but if he is constantly occupied with self-interest and his desires, then his morality will never develop, and it will appear that it is his nature to be immoral. Thus Mencius says, "given the right nourishment there is nothing that will not grow, and deprived of it there is nothing that will not wither away" (VI.A.8). Also, the axes and grazing animals are external to the mountain. Similarly, writes Mencian scholar D.C. Lau,

“the selfish desires which destroy a man’s moral tendencies do not constitute his essential nature.”³ To cultivate the morality which is in all of us, we need to nurture our hearts in the right environment.

Every heart is composed of four moral tendencies which must be cultivated.

The heart of compassion is possessed by all men alike; likewise the heart of shame, the heart of respect, and the heart of right and wrong. The heart of compassion pertains to benevolence, the heart of shame to dutifulness, the heart of respect to the observance of the rites, and the heart of right and wrong to wisdom. Benevolence, dutifulness, observance of the rites, and wisdom are not welded on to me from the outside; they are in me originally. (VI.A.6)

Mencius compares these four incipient moral tendencies to the seedlings or sprouts of plants. Everyone has them inside, but they need to be nurtured. Pointing to the natural, compassionate reaction that any person would have to seeing a young child on the verge of falling into a well, Mencius claims that “no man is devoid of a heart sensitive to the suffering of others.” In this case, one’s compassion is immediate so he has no time to consider his own interest or how others will look upon him for pitying the child, nor does the cry of the child have time to annoy him and thus give him a less benevolent reason for feeling compassion (II.A.6). This benevolent tendency is quickly lost and must be nurtured. The longer a plant grows, the more established it becomes and the greater its ability to withstand external insults like wind or even the axe of a person becomes. Similarly, the better one has nurtured his heart of compassion, the greater his ability to maintain his benevolence in the face of self-interest and desire. In other words, anyone would feel compassion for a child about to fall into a well, but only one who has cultivated his heart of compassion will act morally when confronted with circumstances that

require him to look past his self-interest. Because providing subsistence often requires one to look past his self-interest, one can see why the cultivation of the heart of compassion is necessary to serving the poor.

Dutifulness is the germ of the heart of shame. So important is duty that Mencius says, “Life is what I want; dutifulness is also what I want. If I cannot have both, I would rather take dutifulness than life.” Mencius continues, asking, “If there is nothing a man loathes more than death, then why should he have scruples about any means, so long as it helps him to avoid trouble?”(VI.A.10). Such a man has no shame and will ignore his duties, resorting to even the lowest means to preserve his well-being. One’s duties are derived from his position in the matrix of society. As a son, one has obligations to his father and mother. As a ruler, one has obligations to his people. In fact, every human relationship entails obligations, and the ability to fulfill these duties is incipient in everyone and must be developed. If this potential remains unrealized, one will deny his place in society and the respective duties that accompany it.

In nurturing the heart of respect, one develops “the courtesy that prompts him to yield precedence to others.”⁴ For Mencius, the rites are the expression of our social and cosmic position. One bows before his superiors and uses a particular vessel when performing a particular ceremony. If one does not cultivate the heart of respect for his position, then he will not observe the rites.

Finally, the heart of right and wrong, when nurtured, enables us to distinguish right from wrong, and so it is called the germ of wisdom. This heart also enables us to feel approval or disapproval of right and wrong, respectively. When we act immorally, we recognize that we have done wrong and feel disapproval and shame accordingly. Mencius would say that it is the

retention of this heart which permits us to see that something must be done for those without subsistence and makes us condemn our actions when we fail to act for them.

Just as man separates himself from the animals by his heart, it is the process of retaining his heart that separates him from other men. For Mencius, the “gentleman” was the term for a fully-developed moral agent, and thus he says, “A gentleman differs from other men in that he retains his heart”/(IV. B.28). It is natural that some will develop their morality more than others and the result is a moral hierarchy. Consequently, different people are qualified for different tasks, and this is necessary for the functioning of society. The farmer who has not retained his heart is fully fit to work the fields, and of course, people need his produce. He is not, however, fit to be a ruler. Because government work can affect everyone in the kingdom, the position of the government worker requires a greater moral training than that of the farmer. The ruler must use his heart, while the farmer uses his muscles. Just as the heart is the most important organ in the body, the heart is also the organ used by the highest person in society. In other words, “There are affairs of great men, and there are affairs of small men”/(III.A.4). The affairs of the government should be dealt with by great men, i.e. those who have retained their hearts.

So, how does the ruler provide subsistence? Because he has developed his heart of shame, the ruler fulfills his duties for the people, who are his highest concern. Mencius says, “The people are of supreme importance; the altars to the gods of earth and grain come next; last comes the ruler”/(VII.B.14). Among these duties to the people, of course, is that to provide for those who suffer a lack of subsistence. Mencius does offer a few specific plans to accomplish this (which will be described below). However, we do know from the above story about King Hui of Liang, who should have given up his fat meat and well-fed horses so that his people

would not starve (I.A.4), that the ruler may be obligated to sacrifice certain things for his people. Though he must sacrifice material things, such things are not the concern of the moral man anyway. Self-interest does not necessarily conflict with moral action, but it is the most likely reason that one fails to act morally, and Mencius is keen to this temptation (VI.B.9).

The ruler is motivated to fulfill the above duties to the people because he is benevolent. He began with the mere seedling of benevolence, evident in the story of the child at the well, and he cultivated this compassion to include all those in his kingdom. He does not love all men alike, but he does, however, “extend his love from those he loves to those he does not love”/(VII.B.1). To love all men alike would be to deny his parents the love they deserve in virtue of their relationship to him.⁵ Mencius says, “A gentleman...is attached to his parents but is merely benevolent towards the people”/(VII.A.45). The love between a parent and child is the exemplification of benevolence, so Mencius uses this relationship as the model for the attitude that the ruler should have for his people. He says, “Loving one’s parents is benevolence...What is left to be done is simply the extension of [this] to the whole Empire”/(VII.A.15). Though Mencius uses the analogy of child to parent, one could also describe the ruler’s benevolence the other way, asserting that the ruler is like a father or mother to his people.⁶

As for specifics, Mencius offers a few ideas. One of which is the implementation of a well-field, or *ching*. A *ching* is a system to demarcate the land in a way that provides for all. According to this system, land would be divided into nine sections in the shape of a grid. All the families of the well-field would first work the inner section, which belongs to the state. Then, they worked the outer plots, of which each family owned one. Also, if the people of each *ching* befriend each other and “succor each other in illness, they will live in love and

harmony”/(III.A.3). Mencius is quoted at the end of the passage as saying, “This is a rough outline. As for embellishments, I leave them to your prince and yourself.”

Mencius also tells the story of King Wen who took good care of the aged. By distributing the land a certain way, teaching the people how to plant mulberry trees in a particular place, and advising that they keep a particular number of sows and hens, King Wen ensured that all the aged had warm clothes and full bellies (VII.A.22). Elsewhere, Mencius advocates regulating how fine the mesh is on fishnets to ensure that there are enough fish and turtles to eat. Also, in the same passage he suggests restricting the times when people can use axes in the forest to guarantee that timber will be plentiful (I.A.3). By addressing the ruler, Mencius approaches the problem of providing subsistence to the poor from the top down. Such a strategy relies on the benevolence of the person/s in control of the government as well as his ability to recognize what duties he has to those who need his service.

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Compare and Contrast

What Shue and Mencius claim that people should have to lead decent lives is not all that different. In fact, these two figures hold very similar values even though they approach them from different angles. Many assume that because there is no history of rights-language in China, the adoption of rights there would be an imposition on the people in that country. As Sumner Twiss notices, “the Confucian tradition has moral content overlapping with international human rights.”⁷ These common values are certainly sufficient grounds for China’s (and the United States’s, for that matter) participation in an international, pragmatic negotiation to reach a consensus about what constitutes the minimum standards for subsistence. Saying that one can justifiably demand to live at or above that standard is essentially claiming to have a right, and

this is not an imposition on Mencius's values. If anything, it is merely putting his values into words.

By starting from the premise that the people have a claim to certain things, Shue creates an approach that's origin is *of* the people. By coming from this perspective, Shue assumes that a ruler would not be benevolent and hence would not provide subsistence for his people. These people then create a standard, in the form of a right, that the ruler must meet. If he does not, they will, at least, not re-elect him and at worst, take action to remove him from office. The government worker would fulfill his duty to provide for those whose subsistence is threatened because it is in his interest if he wants to run for office again. The people would not have to rely on his benevolence to get what they want. In this way, the people have a guarantee. By having the claimants establish what they want and also create the means by which it can be achieved, the people participate in the process. This participation is essential to having a right. Shue claims, "to enjoy something only at the discretion of someone else, especially someone who is powerful enough to deprive you of it at will, is precisely *not* to enjoy *a right* to it"(BR 78). Subsistence is provided, and the government is held accountable by the people below.

Mencius starts from the premise that the ruler must provide subsistence for his people. The reality of fourth century BC China was that there were kingdoms with kings. Mencius insists though that these rulers should be uniquely qualified because of their moral training, thus establishing a government that is *for* the people, if it is not *of* the people. I believe that Mencius would point to the many failures of democracy throughout its history and perhaps label it "mob rule" as so many others have before, claiming that *of* the people certainly does not necessarily entail that the result will be *for* the people. There was a time when a government of the people

permitted slavery and elected a professional wrestler to lead them, among other abominations. Clearly, for Mencius, the people do not have the moral development to know what is best for themselves or how to realize it. Under the Mencian approach, the claimant to subsistence does not voice her demand; rather, the benevolent ruler knows best what she needs and also how to supply her with it. As stated before, the relationship of the ruler to his people is like a parent to her child. The parent knows what is best for her child, and the ruler knows what is best for his people. Also like the parent, his motivation for action is not self-interest, but a genuine concern for his people. As we know from above, if the ruler fails to provide for his people, he will lose the Mandate of Heaven and his kingdom with it. So for Mencius too, subsistence *is* provided, and the government is held accountable by the people below.

Imagine subsistence as a product that can be bought at a store and the right to it as the three-year warrantee that you have the option of buying. Under the Mencian system, one would not need to buy the guarantee because it is the duty of the vendor to provide quality products. In fact, his ability to produce quality products is what keeps him in business. If he sold goods that constantly broke, he would indeed lose his business. If one or two out of every thousand products is defective, it would not make much of a difference to replace them at no cost to the purchaser. Providing this service would merely make people have a greater respect for his company and return to his shop when they want a similar item. He does not need to sell a warrantee separately; instead, all his products come with a guarantee at no extra cost. In fact, putting the item up for sale implies that it will work. In this way, Mencius's ruler must provide for his people because that is his duty and it makes him a legitimate king under Heaven. Consequently, rights are not needed.

Suppose though that consumer did not trust the producer of the object for sale to construct a high-quality item. This company is more concerned about yielding a great profit than making quality products. The result is that a larger percentage of their products break (but not enough so that the company loses complete legitimacy). If the consumer believes that there is a decent chance, say above ten percent, that the product will break, then if it is an expensive item, it would be worth it to buy the relatively cheap warrantee. Similarly, Shue assumes that others will deprive you of your right to subsistence whenever it inconveniences them. When this analogy is returned to the rights discussion, the difference is that one assumes that almost all will deprive you of your right, not just a reasonably high percentage.

Though Shue comes from the perspective of the claimant, when he actually gets to the provision of subsistence, his argument becomes one about duties. He finds a justification for the for the claim to subsistence in the bottom, but the provision will always come from the top. Mencius basically just skips the step of seeing what the people need and goes directly to the duties that providing subsistence entails. Mencius does not delineate different types or aspects of duties as Shue does, but these are implicit in what he advocates. Clearly, one should not directly deprive someone of his subsistence. His plans for the well-field and the other measures taken to ensure food, timber, and clothing entail duties to protect from deprivation of subsistence. Also, his well-field not only prevents people from starving, it would redistribute food for those who were lacking it. Addressing those at the top who would provide for those below, both Shue and Mencius tell them that they will have to sacrifice certain things in order to ensure that everyone has enough to eat.

The motivational schemes that Shue and Mencius offer the provider to act an behalf of

others seem strikingly similar in their wording, but differ significantly in their practice. Shue says that we should extend the sentiment we feel for those close to us to those we do not even know. Not to provide subsistence for someone based on geographic location, race, creed, or whatever is not logical; therefore, we have a logical reason to provide equally for all.

Mencius would find this motivation extremely weak. The idea that someone on the other side of the world is just as important as one's very own father is just wrong and absurd according to Mencius. The motivation to act on behalf of others must come from the cultivation of benevolence and dutifulness. One begins with his love for his parents and works outward. Remember, these qualities are natural to all of us and only need nurturing. One fulfills his duties because it is in his nature, not because he has to do so. The ruler, because of his superior moral training, has developed a much greater scope of benevolence. He has begun at home and extended his love throughout his kingdom, offering his benevolence to all, but this benevolence is not identical to the love that he gives his parents. This ability has only been developed by a very few individuals, and it is this capability along with others that make him qualified to rule.

So what?

Both of these thinkers offer valuable insight on the problem of poverty. Identifying the strongest aspects of each and applying them to the circumstances of today will provide us with guidance in moving toward a more effective means to aiding those deprived of subsistence. Beginning with the basic premise of each, I think Shue is much more realistic to advocate an approach that has its source in the people making the claims. It does seem unlikely that the majority of people would be able to both recognize the problem and then agree on how to fix it,

as would be the case in a democracy. Perhaps, people will make occasional mistakes about what is indeed best for them, but the odds that a king, unchecked by the people, will become a tyrant are far higher than those that a democracy will produce similar effects. These effects are also much more likely to be more dangerous under a king's rule than in a government of the people because the inefficiency of democracy and its grounding in the people would make it much more difficult to get out of hand. In this day and age, it is difficult to imagine a king who has his subjects as his ultimate concern and not his own profit and power. Dictators often assume their position because of their power, not because of their morality, and establish governments that are not *for* the people. Also, the reality of the world today, as opposed to two and a half millennia ago, is that the common people are more empowered politically and democracy is the accepted practice of very many countries.

Shue is also correct to suggest international measures to rectify the problem of poverty. Because of the structure of the world, certain countries *will* be marginalized economically. This outcome is predictable and preventable, but it must be addressed on a global scale because many or most of these suffering countries cannot escape their situation on their own. Mencius is exempt from this aspect of Shue's argument because he does not even consider the possibility of anything of that scale. Of course, we do know that he favored the redistribution of land in many cases. So if he were alive now to assess the situation of the world today, he might very well agree with Shue on this point.

Mencius offers his greatest assistance in the motivational aspect of fulfilling duties. He would not even claim that we should extend our sentiment to all others in the first place. Even if we admitted that, logically, we *should* do so, the reality is that we would not. Mencius would

say that it is not natural for those without a thorough moral training, which would be almost all of us, to create arrangements in conflict with our own interest. Consider the fact that so many people either loathe paying taxes or avoid the task completely, and taxes go towards things and programs that benefit us such as roads, schools, and firefighters. Similarly, the masses do not have a well-nurtured heart of compassion. We regularly encounter homeless people within our very own country, who speak the same language, and are often of the same race, and pass by with little feeling and probably no action. Can we expect people to extend their sentiment to those in Sierra Leone? Shue fails to meet his own criterion for the reasonableness of a duty—that it be possible to motivate people to do it. We know from Mencius that those who make the decisions about a country or kingdom should have a well-cultivated benevolence that extends to all within their rule. If we are considering a democratic country, then that entails that all people become compassionate moral agents because those who rule are representative of the people at large. The fact that so little has been done to effectively combat poverty is evidence to the fact that the majority of people do not have the moral training necessary for that task. We must take Mencius's concept of moral cultivation and instead of claiming, as was appropriate for his time, that this training be for only a few, and apply it to today. The result would be that everyone should receive a moral education because everyone has at least a small say in what policies we create by virtue of voting for particular candidates in particular elections. I truly believe that if everyone took Interdepartmental 423, read the books that we have read in class, and had actual experiences with poor people, we would be able to accomplish much more.

The best course of action is a combination of the two philosophers' thoughts. We should assume the worst from others and demand a minimum level of subsistence. To guarantee this,

we should create rights. We should cultivate our hearts so that we might have the motivation of benevolence to spur us on when fulfilling our duties. These obligations to take positive action to prevent poverty and aid those who are impoverished must occur at all levels, from within our very own families to those across the planet.

1. Lau, D.C., trans. and text. *Mencius*. Middlesex, England: Penguin Classics, 1970, pp.14, 28.
2. Ibid., pp.14-15.
3. Ibid., p.26.
4. Ibid., p.17.
5. Ibid., p.31.
6. Ibid., pp. 40-41.
7. Twiss, Sumner. "Discussing Confucianism and Human Rights." *Confucianism and Human Rights*. Ed. de Bary, William and Weiming, Tu. New York: Columbia University Press, 1998, p.45.

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