

Daoism and the Universal Declaration on Human Rights and Bioethics<sup>1</sup>  
by  
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*Introduction*

In his 1948 introduction to *Human Rights: Comments and Interpretations*, Jacques Maritain wrote that the philosophers of various religious traditions who contributed to the UNESCO Universal Declaration of Human Rights could agree on the idea of human rights in practice, but differed in their first principles, or truth claims, that supported their assertion that all people have rights. “‘Yes,’ they said, ‘we agree about the rights but on condition that no one asks us why’” (Maritain 1948, i). While that approach initially served, Maritain did assert that truth claims matter because the practical implementation of those rights will differ so long as the rationales behind the rights remain disparate (Maritain 1948, iii). I am grateful to the organizers of this meeting and the preceding meetings in Jerusalem (2009) and Rome (2011), where different religious positions can have a discussion and perhaps move closer to a unified rationale for human rights, in general, and human rights in bioethics in particular.

Rights talk is not historically Daoist. Daoists can, however, identify theology in their tradition supportive of human rights. Global discussions of human rights is divided not only across theory and practice, as Maritain points out, but also across the place of rights with regard to the relationship between the individual and the community.<sup>2</sup> Daoism may provide resources that help draw together discussions of human rights that are divided on the issue of individual autonomy and the responsibilities of the individual to the community.<sup>3</sup>

Before beginning the exploration, it serves to remember that—like every tradition represented here—there is no such thing as a homogenous Daoist religion, but only Daoisms.<sup>4</sup> The tradition is

particularly rich in its diversity due to its lack of a central authoritative body or a central collection of texts held as equally valid or sacred to all branches of Daoism. Schools of Daoism have risen, flourished, and fallen. Today the two extent schools of Daoism are a lay religion, Celestial Master Daoism, and a monastic form, Complete Perfection Daoism, whose primary pursuit has historically been religious fulfillment by means of assiduously practicing the Daoist method of meditation called internal alchemy (*neidan*). Although Celestial Master and Complete Perfection Daoism are the two schools today, each of these traditions has many sects and sub-sects. This presentation does not pretend to represent all of them nor does it pretend to address all of the concerns of these schools and sects. The admission is one of diction. Just as one uses the singular “hair” to refer to all the hairs of a person’s head, so one must understand a plurality within the use of the singular “Daoism.”

This paper’s thesis is that Daoism can provide balance between rights of individuals and considerations of the community, as well as support an insistence on individual duties along with any discussion of individual rights. The period most supportive of this thesis is modern Daoism—that is Daoism since the Song Dynasty (960-1279)—because since the Song Dynasty, the starting place for Daoist practice is the body. Understood differently than that of modern, western medicine, the body is at once the very means of autonomous religious fulfillment and at the same time, a center of cosmic harmony with Ultimate Reality, the Dao.<sup>5</sup>

### *Universal Rights*

Daoists can agree to human rights, but for reasons that differ from the origins and assumptions of rights as they are understood in the West. Rights today are “legally protected entitlements of individuals in society” (Ching 1998, 68). The historian and scholar of comparative philosophy, Julia Ching, colorfully describes the origins of rights with procreative imagery:

[Rights]’ mother is liberal moral and political philosophy —the French Enlightenment and liberal English thinking, among other things; its father is

international law, while its midwife is revolution: first the Revolution of American Independence and then the French Republican Revolution of the late eighteenth century. (Ching 1998, 68)

The revolution in the modern West was a break from the medieval understanding that God bestowed rights on the Christian (Catholic) Church and on kings, who bestowed them on their lords. Most people, the serfs, had only duties to those who held the rights protected by laws. This is to say, as Ching points out, that most people did not have rights. With the break from God that resulted from the Revolution in America and the Secularization in Europe, came the assertion that all people had rights and that these rights were upheld by the law (Ching 1998, 68-69).

While it might seem like God was left behind in rights talk, when time races to the post-War period of the twentieth century and the drafting of the Universal Declaration of Human Rights, God and the notion of natural law—that is, the belief in the universal application of divine law—was alive and well. However, it divided those who accepted natural law theory and those who rejected it (Maritain 1948, v). At the dawn of the twenty-first century, the events of September 11, 2001 again call attention to the importance of the question of natural law and the place of religion in global politics. Religion must play a role in discussions of human rights because commitments to normative claims about Ultimate Reality are relevant, powerful, and will affect the degree to which people honor declarations on human rights and bioethics. That such declarations come from an international body will not convince many people of consensus or progress. Thus investigations into the intersection of human rights and Ultimate Reality are as urgent as ever. For years, now, students of Daoism have noted striking differences between Abrahamic and Daoist visions of Ultimate Reality: God and the Dao respectively.

Consider Christianity for instance. Since the Church Fathers,<sup>6</sup> God has been equated with Being of the Greek philosophers. All things have the basis of their being, or substance, from this one source of being. The belief of creation *ex nihilo* is that God created the world out of nothing,

and without God, nothing would exist. God created beings or substances, and as creator, remains transcendent, though still active in creation. God, understood in the Greek sense, is eternal, timeless, unchanging, and by definition cannot be reduced or equated with a changing universe. This early understanding of God has shaped Christian thinking and was the foundation from which sprang the many philosophical movements since the Middle Ages.

The Dao is quite different. The Dao, “the Way,” is eternal, but not in the sense of eternity being the lack of change. The Dao is ever-changing within Itself and is the source of all things. Things emanate from the Dao, have their moment, then return to the Dao, all the while never being separate from the Dao but only flowing with it to a greater or lesser degree (see for example *Daode jing* 25 and 42.). Poem 42 of the foundational *Daode jing* has:

The Dao generates the One  
The One generates the Two  
The Two generates the Three  
The Three generates the ten thousand things (everything).

As early as the Celestial Master *Xiang'er Commentary* (ca. 200 CE), the Dao is closely associated with the One (Chen 2008, 1258). The Two are two modes of the single continuum of the Dao known as yin and yang. Beings experience these modes through qi—variously translated as “breath,” “pneuma,” or “material energy” of the universe. The Three is the interaction of qi as yin-yang from which all particular things come to be. All things are composed of qi and have their origin grounded in, but never separate from, the mysterious Dao.<sup>7</sup> Everything, therefore, is rooted in the Dao, in Ultimate Reality. The Daoist world, therefore is primarily a monistic one, which is entirely the Dao.<sup>8</sup>

However, immediately following the classical, pre-Han period of this Daoist worldview,<sup>9</sup> gods appear, but even these are manifestations of the Dao, not powerful competing gods, like one might find on Mount Olympus. The complexity of Daoist theology is not only monistic, but also

panentheistic, panhenic (“Nature” as the force behind reality), animistic, polytheistic, and somatic (Komjathy 2011, 76-80).

To express the idea that everything has a proper place in the Dao, Daoist thought uses the term *ziran*, translated as “naturalness” or “spontaneity.” In her discussion of rights, Ching describes *ziran* as freedom, but this is a qualified freedom. *Ziran* is the freedom gained from remaining in harmony with the flow of the Dao. People, however, have a tendency to wander from the Dao and fall into disharmony. Disharmony with the Dao leads to suffering of all types: spiritual, psychological, financial, ethical, and physical. This theme of straying from the Dao is taken from more ancient medical literature, such as the *Yellow Emperor’s Inner Classic (Huangdi neijing)*. At birth, people are in perfect harmony with the Dao and only wander from the Dao as they age. The search for harmony with the Dao after falling into disharmony is constant in the Daoist tradition all the way through the modern period and to the present.<sup>10</sup>

At this point, Daoists can agree with the ontological conclusion of the first conference on Human Rights and Bioethics in Jerusalem: all people have rights by virtue of their origins in Ultimate Reality. Furthermore, their natural state (*ziran*) is a state of harmony with the Dao; disharmony is unnatural. The Daoist project is to return to the natural, perfect state of *ziran*.<sup>11</sup>

*Ziran* is the basis for any discussion of human rights in Daoism. Every person has an inviolable place in the Dao. Every person should be regarded as a potentially perfected person whose foundation for being is the Dao. To violate people’s harmonious existence in the Dao is to violate the flow of the Dao and to cause disharmony. Disharmony is analogous to conventional notions of evil and is antithetical to individual or communal harmony. Harmony, therefore, is analogous to conventional notions of the good. The turn from this understanding of human rights in general to human rights with regard to bioethics is an obvious one for Daoists, since the initial place for establishing harmony is one’s body.

### *Rights & Duties*

The tendency to drift from the Dao is something Daoists since the Song Dynasty have sought to reverse by attending to their bodies.<sup>12</sup> For this reason, modern and contemporary Daoism is a somatic theology, that is: “theology and mystical experience [that] locates the sacred *in and as* the body” (Komjathy 2011, 77-78). The human body is a microcosmic flow of the Dao that resonates with the entire cosmos.<sup>13</sup> Furthermore, the body should be understood as the whole person in the process of living in the Dao and not reduced to the flesh and bone of western medicine (see for example, Ames 1993; Bidlack 2012). In the authenticated Daoist (or “immortal,” *xian*), the flow of the energies of the body, or body-person, perfectly harmonizes with the flow of the Dao and the cosmos.

This cosmic view of the body can be found as early as the Latter Han (25-220 CE) in the *The Most High Lord Lao's Book of the Center* (*Taishang laojun zhongjing* DZ 1168), where the body is visualized with a complete with interior landscape.<sup>14</sup> While mentally gazing inward, the Daoist adept sees such features as the sun and moon, stars, clouds, mountains, lakes, buildings, and other human artifacts (Schipper 1993, 105-106; Schipper 2004, 93).<sup>15</sup> Seeing the body as the cosmos reappears throughout the centuries as evidenced by graphic body maps like those found in materials that crossover from medical texts into Daoist mystical texts, such as the thirteenth century *Book of Debating* (*Nanjing* DZ 1024) by Li Jiong (fl. 1269), or the *Diagram of Inner Passageways* (*Neijing tu*) which can be found in most clinics of Chinese medicine today.<sup>16</sup>

The somatic theology and the cosmic body of Daoists is supported by the much older correspondence system of Zou Yan (ca. 305-240 BCE) along with foundational medical texts, such as the *Yellow Emperor's Inner Classic*.<sup>17</sup> Also known as correlation theory, correspondence sees movements of the cosmos as reflected in, and applicable to, other aspects of life: from medicine to

ethics and to military arts (Graham 1986). In the *Yellow Emperor's Inner Classic*, the yin-yang dyad is expanded into a system of Five Phases (*wuxing*): wood, fire, earth, metal, water. In medical texts these corresponded to Five Orbs (*wuzang*), energetic concentrations within the body that participate in its proper functioning. The Five Orbs are associated with, but not equivalent to, five organs: liver, heart, spleen, lungs, kidneys (Porkert 1974). From here, the system gets expanded even further to include directions, colors, and seasons, rendering an understanding of the body as intimately tied to the physical and temporal universe:

yin/yang	phase	direction	color	season	organ 1 (Yin)	organ 2(Yang)	precept	virtue
lesser yang	wood	east	green	spring	liver	gall bladder	killing	benevolence
greater yang	fire	south	red	summer	heart	sm. Intestine	intoxication	wisdom
yin/yang	earth	center	yellow		spleen	stomach	lying	faithfulness
lesser yin	metal	west	white	fall	lungs	large Instetine	licentiousness	propriety
greater yin	water	north	black	winter	kidney	bladder	stealing	righteousness

Table 1. Five Phases correlation of the body, cosmos, and ethics. See *Precepts of Highest Lord Lao (Taishang Laojun jiejing DZ784)*.

The fifth century Buddhist *Sutra of Tapusa and Bhallika* adds a moral element to this when it links each phase to the five precepts of Buddhism—do not kill, get intoxicated, lie, engage in licentious behavior, or steal. This text additionally matches the prohibitions with Confucian virtues: benevolence, wisdom, faithfulness, propriety, and righteousness. Celestial Master texts, such as the *Precepts of the Highest Lord Lao (Taishang Laojun jiejing DZ 784)* of the late fifth century matches correspondences and Buddhist precepts—and by extension Confucian virtues (Kohn 2004, 31; Table 1 above). The body that is functioning in harmony with the Dao is a moral body that resonates outward to affect the Daoist's physical and moral universe.

From this, a second conclusion follows: the Daoist body brings together the individual, the community, and the cosmos. On the one hand, the community has no right to interfere with the bodily functioning of the individual, since the person's body is an event of the Dao and since interfering with the body is interfering with the whole person and not an isolated body part. On the other hand, the individual has a duty to the community and cosmos to strive for a body that resonates with the Dao so as to be a source and center of harmony.

The individual has a duty to maintain and enhance bodily health. Health in Chinese medicine is harmonizing the energetic and spiritual elements of the body within the individual—and by extension with the Dao. Daoists combine this medical view with the moral life reflected in Buddhism and Confucianism. Thus bodily health will result in ethical behavior, and ethical behavior enhances and supports bodily health. By working towards bodily health, the Daoists benefit not only themselves, but also their households and communities. In this way, the somatic theology of Daoism offers a unifying vision of individual and community, though different from similar formulations of other cultures and religions.

The somatic theology of Daoism underscores the connection between bodily, psychological, and spiritual health with the entire cosmos. As a Daoist approaches perfection, he or she becomes a blessing, as they harmonize Heaven and Earth.<sup>18</sup> Conversely, degenerate people not only harm themselves, but also their immediate and distant environments. For example, intoxication will not only affect one's kidneys, but also one's virtue of wisdom, as well as those aspects of the cosmos associated with the phase water, the direction north, and the season of winter (see Table 1).

Thus Daoists can agree with rights talk focused on protecting the individual, but only with the balanced understanding that the individual has a duty of self-care due to the cosmic consequences.<sup>19</sup>



*Conclusion: Expand the Conversation*

The above argument attempts to demonstrate two conclusions: 1) All people are manifestations of the Dao and therefore have rights. *Ziran*, a person's inviolable place in the Dao, is the basis for a Daoist discussion of human rights. 2) The Daoist body, as a cosmic body, brings together the rights of the individual with the well-being of the community and cosmos. For this reason, individual rights must be understood as being conjoined with individual duties, especially in the realm of health and medicine.

A glance at three continuous themes that run through the Chinese worldview and into the Daoist theology support these conclusions. Those themes are:

1. the central place of the body, especially since the Song Dynasty
2. the cosmic view of the body as supported by the correspondence system of yin-yang and Five Phases cosmology
3. the moral element of correspondences introduced by Celestial Master Daoism

Thus the Daoist focus on body cultivation to address moral issues is not out of personal self-interest, but is a way of addressing the moral needs of the cosmos. The body is that portion of the cosmos most under the adept's control.

These observations serve as a starting point for a discussion of human rights and bioethics. This starting point, though, is a call to expand the conversation in two directions: 1) to expand the conversation to consider Chinese medicine, and 2) to expand the notion of rights to the non-human.

First, the brief Universal Declaration of Human Rights and Bioethics cites "science" thirty-seven times—or some derivative of the term often paired with "technology." Do not states and readers assume that "science and technology" means modern, western science and technology? Since this is a document drafted by an international body and addressed to the whole world, one can assume that "science and technology" means modern, western science. The assumption is that the western scientific method is beyond nations and cultures and can therefore be agreed upon by all peoples (see Article 1).<sup>20</sup> But western medicine is not the only model for healing, and western

medical studies have confirmed this, especially in regard to mind-body healing (Astin, et al. 2003; Wang, et al. 2004).

Efficacy of Chinese medicine is built upon the integral worldview of Chinese and Daoist cosmology. In contrast, the western medical view of health sees the body of the sick patient as sealed off from the outside world with the skin serving as a boarder. The physician is an unrelated actor administering foreign medicines to repair a broken mechanism in the body. This description of western medicine is a caricature. Indeed, the preamble to the Universal Declaration of Human Rights recognizes the importance of other factors beyond science and technology that influence health. At the same time, it is not without a good deal of truth. While such a modern view has produced wonders in the art of healing acute illnesses and postponing death, many people East and West, have availed themselves of both methods of healing, often pursuing eastern and western therapies concurrently.

Nonetheless, an isolated individual is not the Daoist view of the body, cosmos, and healing. Therefore, addressing specific bioethical situations is not on the Daoist map. For instance, must euthanasia be provided for people with life-ending conditions?<sup>21</sup> Maybe. Daoist communities may or may not opt for extraordinary measures of life preservation in deference to allowing the person to die, as tragic as that may be. Daoists and practitioners of Chinese medicine focus much more on immediate instances and not on universal claims. The immediate circumstances of one person facing euthanasia will be different from another person facing euthanasia, and the repercussions for the decision for life or death will also be different. Instead, case-by-case judgments are the norm.

Introducing other forms of science and technology into the conversation is not at odds with the Universal Declaration of Human Rights and Bioethics. In fact, Article 17 allows these into the discussion. However, as globalization makes alternative forms of medicine more readily available and as more and more studies support their efficacy, Article 17 may need elaboration.

In addition to expanding the discussion beyond western notions of science and technology, a second expansion of the discussion of rights to include the non-human is needed for Daoist reflection on rights and bioethics. The basis for human rights in Daoism, *ziran*, is not exclusive to humans. *Ziran* is the self-so-ness of all reality. Therefore, beings, by virtue of their existence, have a right to exist. Beyond that, the rights they have will be different from human rights. “Trees have tree rights, insects have insect rights, rivers have river rights, mountains have mountain rights” (Berry 1999, 5). Article 2, point h, states: “The aims of this Declaration are...to underline the importance of biodiversity and its conservation as a common concern of humankind,” but the nature of this concern must be relational, not simply a human concern over the utility of the non-human. The cosmic body of Daoism explicitly demonstrates this intimacy and relationship between the human and the non-human. Taking this seriously will inevitably result in bioethical concerns when the good of the human appears to conflict with the good of the non-human realm. Biomedical waste, for instance: Does a therapy, or the experimental pursuit of a therapy, justify the resulting biomedical waste? Daoists would want to reflect upon the human right to pollute a river or an ocean for the sake of immediate human health. Does Article 4’s consideration of minimizing harm extend to the non-human? It is not that Daoists eschew the use of technology or the manipulation of nature. On the contrary, inventiveness is part of being human.<sup>22</sup> But the use of technology must be preceded by moral reflection. If humankind overreaches its harmony with the non-human, suffering and illness will surely follow. Such considerations are not evident in the contemporary intoxication with science and technology.

In summary, Daoism does not find anything explicitly objectionable in the Universal Declaration of Human Rights and Bioethics, but the rationale for the rights are quite different with the result that some of the articles will need elaboration.

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<sup>1</sup> I would like to thank the organizers of this conference for including Daoism in the discussion. Daoism has long been overshadowed by its brothers and sisters of other religions in international

<sup>2</sup> See summary of Jerusalem and Rome

[http://www.unescobiochair.org/index.php?option=com\\_content&view=article&id=70%3Aconclusions&catid=50%3Adocs&Itemid=103&lang=en](http://www.unescobiochair.org/index.php?option=com_content&view=article&id=70%3Aconclusions&catid=50%3Adocs&Itemid=103&lang=en), accessed July 16, 2013 and *Studia Bioethica* vol. 4, no. 2 (2011) available at [www.uprait.org/sb/index.php/bioethica/issue/view/vulnerabilita](http://www.uprait.org/sb/index.php/bioethica/issue/view/vulnerabilita), accessed July 16, 2013.

<sup>3</sup> As an American who is greatly concerned about rights violations of his country with the illegal holding of terrorist suspects in Guantanamo, I write this with some humility. These violations recently turned to bioethical concerns with the force-feeding of prisoners earlier this year. In addition, rights talk in the U.S. has been fragmented, especially by the abuse of the word rights. The word extends to critical issues, such as the rights of the unborn, to the commercial, such as the “right” to fee free banking. The upshot is that the term is abused and leaves citizens with a very opaque understanding of what rights are, see Glendon 1991, x-xi. Lastly, the American context is generally unsupportive of a Daoist worldview and symbol system. One need only pay attention to the commercial use of the *taiji tu*—the familiar black and white illustration depicting the interaction of yin-yang, or the multitudinous books entitled “The Tao of...” that are more about the “...” and much less about anything recognizable as historical or contemporary Daoism. See Grasmuck 2004 for example.

<sup>4</sup> Much like what Prakash Desai pointed out in Rome 2011 with respect to Hinduism, see Desai 2011, 21-22.

<sup>5</sup> Beginning a discussion of human rights with anthropology is a notion shared by some Christians. Anthropology precisely in relation to Ultimate Reality is definitive for human rights, but goes beyond the boundaries of human reason alone, see Lee 2005. Thus, different conceptions of Ultimate Reality will result in differences in anthropology and therefore human rights.

<sup>6</sup> Church Fathers are bishops and theologians of the first through the sixth centuries whose writings are not sacred, but highly revered and authoritative.

<sup>7</sup> The enigmatic descriptions of the Dao in the *Daode jing* (e.g. Poem 1) render It a concept that can only be intuited, but not grasped or understood. This is the foundation for medieval mystical philosophy, see Kohn 2005.

<sup>8</sup> For an ontological comparison of Dao and Being see Li 1999, 11-33.

<sup>9</sup> Roughly from the writing of the *Daode jing* around the fourth century BCE to the beginning of the Celestial Master School in the second century CE.

<sup>10</sup> For example, using *Yijing* trigrams, Li Daochun (fl.1288-1306), the author of *Collection of Central Harmony* (*Zhonghe ji* DZ 249), holds the view that people at birth are initially harmonious with the Dao, only to gradually have their qi fall into dissipation and corruption. He does so in the context of internal alchemy, a meditation practice aimed at reversing this process through mentally guiding and refining qi through the body.

<sup>11</sup> A widespread practice is pursuing this harmony through the practice of internal alchemy. While texts of internal alchemy make reference to *ziran*, usually other anthropological terms—such as inner nature (*xing*) and destiny (*ming*) or essence (*jing*), qi, and spirit (*shen*)—dominate.

<sup>12</sup> While the body is the beginning of Daoist practice since the Song, the organization of space beginning with the body, then extending to the household, and the kingdom and cosmos is far more ancient, see Lewis 2005.

<sup>13</sup> *Ganying* 感應, or resonance and response, is the idea that Daoists seek to sense the rhythms of the cosmos and to flow with them, and the cosmos responds in kind.

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<sup>14</sup> According to Livia Kohn, there are three fundamental views of the body according to Daoism: the cosmic body, the bureaucratic body, and the divine body. Recently, Louis Komjathy subdivides these categories in to seven: the cosmological, the naturalistic, the bureaucratic, the theological, the ascetic, and the alchemical, and the mystical. Practically speaking, most Daoist visions of the body are combinations of these however one categorizes their aspects. For simplicity's sake, I am only writing on the cosmic body since it is exemplary for my argument. See Kohn 1991 and Komjathy 2011, 71.

<sup>15</sup> The meditation practice of looking inward is called, *guan* 觀 or *neiguan* 內觀 “inner observation,” is inspired by Buddhist *vipasyana* meditation, see Kohn 1989.

<sup>16</sup> For a rich description of this body as cosmos diagram, see Komjathy 2008 and 2009.

<sup>17</sup> Zou Yan did not invent Chinese correspondence theory, but he did systematize yin-yang and Five Phases cosmology, see Graham 1986.

<sup>18</sup> An early expression of this is the fourth century *The Essential Precepts of Master Redpine* (*Chisongzi zhongjie jing* DZ 185), see Kohn 2004, 14.

<sup>19</sup> By way of example, Daoist Zhuang Qingxin asserts that each person must strive for self-perfection, to know the Dao, in order to understand that Heaven and humans are one. This, he concludes, is the Daoist ethical response to the environmental crisis, see Meyer 2001, 232.

<sup>20</sup> The western scientific method is the testing of hypotheses through induction and replication. Chinese medicine relies on induction and cannot easily be replicated across groups due to its appreciation of individual differences among similar cases.

<sup>21</sup> This question was a referendum in my home state of Massachusetts in 2012. The requirement that doctors provide euthanasia as a medical alternative was voted down by a slim margin.

<sup>22</sup> The many agrarian images from Daoist materials, such as the *Daode jing* to the *Neijing tu*, are evidence against any notions that Daoists should not use technology.

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