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ON RESPONSIBILITY IN CHINA: UNDERSTANDING AND PRACTICE

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Abstract. Chinese “responsibility” is constituted by the two words: “ze” (charge) and “ren” (office). According to “zhai” (debt) was the etymon of “ze” in ancient Chinese; “ze” corresponded with the right of using a debt. In ancient Chinese books, “ren” had the meanings of “appointment”, “position”, “duty”, “undertaking” and “trust”, and hence, it related to charge of a position, charge of a power, and professional dedication of, and trust on, a position holder. In modern Chinese language, though the two words of “ze” and “ren” are mostly used as one word, we still can tell from their usage the close relationships between ze and right, ren and duty of a position or a power. In today’s real life, however, there is a serious with such a historically close and consequential relationship. This problem assumes as the expansion of the domains of right and power, while responsibilities, obligations, and duties have been often ignored. For example, in contemporary China, the term of “right” has entered ordinary people’s daily expression; especially “labor right”, “right of employment”, “right of property”, “consumers’ rights”, and “environmental rights” become the fastest growing and most concerned right in recent decades. But, the expansion of expressions in “rights” and increasing enactment of relative laws, regulations and moral codes, to a great extent, have not begotten the consequential relationships between rights and responsibilities, powers and duties, and responsible behaviors, but on the contrary, occurred abuses of freedoms, rights and powers. Food safety, environment pollution, official corruption, are most seriously ethical issues in recent years. From these issues, we see that these officials, enterprises and individuals had no any sense of responsibility, duty and obligation, and what they considered were only to abuse power for personal gain, to make power-for-money deal, and to draw water to one’s mill, lost minimal conscience and sense of shame. It is thus to raise such a question to us: how to understand and deal with the deviations of freedom from responsibility, right from obligation, and duty from power? This paper tries to discuss the question. First, the author will investigate the understanding of responsibility and relative concepts of duty, obligation, right and power in Chinese context; and second, analyze the key issues of responsibility associated with the expansion of rights and powers in today’s China; and finally, explore the actors’ responsibilities on different levels and offers the author’s suggestions on cultivation of responsibility as a systemic building and moral education.

Key words: responsibility, freedom, and obligation, right, in China

“Responsibility” in Chinese is consisted of two words: “ze” (charge) and “ren” (office). According to “zhai” (debt) was the etymon of “ze” in ancient Chinese; “ze” was connected with the right to use a debt. In ancient Chinese books, “ren” had the meanings of “appointment”, “position”, “duty”, “undertaking”, “trust”, and hence, it related to the charge of a position or a power, and to the professional dedication of, and the trust on, a position holder. In today’s real life, however, there is a serious problem with such a historically close and consequential relationship. This problem appears as the expansion of the domains of rights and powers, while responsibilities, obligations, and duties have been often ignored. For example, in contemporary China, the term of “right” has entered ordinary people’s daily expression; especially “labor right”, “right of employment”, “right of property”, “consumers’ rights”, and “environmental rights” become the fastest growing and most concerned rights in recent decades. However, the expansion of expressions in “rights” and increasing enactment of relative laws, regulations and moral codes, to a great extent, have not begotten the consequential relationships between rights and responsibilities, powers and duties, and responsible behaviors, but on the contrary, occurred abuses of freedom, rights and powers. Food safety, environment pollution, official corruption, are most seriously ethical issues in recent years. From these issues, what we see are that these officials, enterprises and individuals had no any sense of responsibility, duty and obligation, and what they considered were just to abuse power for their personal gain, to make power-for-money deals, and to draw water to one’s mill, lost at least conscience and sense of shame. It is thus to raise a question to us: how to understand and deal with such deviations of freedom from responsibility, right from obligation, and duty from power? This paper tries to discuss the question in

the following three parts. First, the author will investigate the understanding of responsibility and relative concepts of duty, obligation, right and power in Chinese context; and second, analyze the key issues of responsibility associated with the expansion of rights and powers in today's China; and finally, explores the actors' responsibilities on different levels and offer the author's suggestions on cultivation of responsibility as a systemic building and moral education.

Part One Responsibility, Duty, Obligation, Right, and Power

What is responsibility? According to *Ci Hai*, "ze" in ancient Chinese books, there were the meanings of "take a responsibility, call somebody account, blame, punish, claim" and etc. It is worth to note that, "zhai" (debt) was the etymon of "ze". For example, "Do you want to collect ze (debt) back from Xue?" Or "Bo says he is in ze (debt) of millions."¹ According to this, the debtor had the obligation to repay the debt and to be punished if the debtor could not repay. Therefore, according to "debt" was the etymon of "responsibility", "responsibility" and right of using a debt are consequential.

In ancient Chinese books, "ren (office)" had the meanings of "appointment", "position", "duty", "undertaking" and "trust", such as "ren xian wu er"(to appoint virtuous people should be no doubt on them), "shang ren" (get on an office), "xie ren" (get off an office), "ren lao ren yuan"(willingly bear the burden of hard works), or "wang shen ren zhi"(the king trust him very much), and etc.² According to these usages, "ren" came from "position", "get on an office", "get off an office", and from ren came ze, trust or not, came to be able to bear or not, came willingly bear the burden of hard works, and came professional spirit or dedication. By this taken, "ren" related to responsibility of a position, a power, and professional dedication of, and trust on, a position holder, contained two requirements: one that from the duty of a position or office and the other from the duty for a position holder.

Compared In Chinese, another word related to "ze" is "zhi" (job, office), which is synonymous with "zhi"(flag), which means: helm, charge, position, job title, and occupation.³ Compared with "ren", "zhi" (office) put particular emphasis on the requirement of duty by the office per se, namely, the duty associated with exercising a power or holding an office, while "ren" focuses on the incumbent themselves can meet the requirements to fulfill the "duty" or not.

Interestingly, corresponding to the Latin word "officis" and English word "office" including "duty" and, "responsibility" as well, if a person holds an office, he is an officer, and according to the meaning of office, "a public office is an public trust", he should assume a duty, and should be responsible.⁴ By this token, it seems that the Latin "officis" and the English "office" also include a duty required by a position or a job, a duty required for an officer, especially a trust required on an officer as in the Chinese words "ren" or "zhi".

In modern Chinese, "ze" and "ren"are mostly used together as one word, but from its interpretations, we still can tell this close, though broader, connection with "ren" and "zhi". For example, in the *Contemporary Chinese Dictionary*, the interpretations of "ze ren" (responsibility) are: "1) do one's part, do one's duty; 2) didn't fulfill one's duty, therefore should be liable for the fault, such as to be investigated for mistakes."⁵ Namely, responsible and accountable, and the standard for them are one's part. Part, in Chinese, is fen, also termed as fen (portion), namely, each one has his or her own status, duty in a family, community or society, and if each one holds his or her own part, that is each does one's duty. And if one doesn't hold his part, he should be liable for the negligence. Therefore, office or job is the standard for responsibility, and responsibility is stipulated by ren and zhi.

Responsibility, duty and obligation, these three are now often interchangeable. They are overlapped, but not all the same. Duty, as described above, related to one's role or position, is such a kind of responsibility that stipulated by role or position, and the holders of the role or position are whether or should be responsible according to the requirements by the roles or positions either. Ancient societies, like China or Greece, seemed mostly to understand responsibility defined by duties (the responsibility of one's status, position or role), and therefore the two concepts, responsibility and duty were largely overlapped. The interpretations of "ze ren (responsibility)" in the *Contemporary Chinese Dictionary* as

¹ *Ci Hai*, Shanghai Ci Shu Publisher 1979, p.1307.

² *Ci Hai*, Shanghai Ci Shu Publisher 1979, p.194.

³ *Ci Hai*, Shanghai Ci Shu Publisher 1979, p.1966.

⁴ Cf. Stephen Young, *Moral Capitalism*, Berrett-Koehler Publishers, Inc., 2003, p. 54.

⁵ *Xian Dan Han Yu Ci Diani(Contemporary Chinese Dictionary)*, Commercial Publishing House (Beijing), 1999, p.1574.

described above, also fall within the overlapped understanding of responsibility and duty. However, modern understanding of responsibility includes not only a responsibility according to one's roles, namely, duty, but also according to a contract, agreement, or a commitment; not only a responsibility going with one's role, but also with one's action and its results, namely, a causal responsibility.

Obligation refers to the responsibility that should be fulfilled legally or morally stipulated. We often call those voluntary actions, which ask no pay as obligations, in fact, such actions are also out of moral principles or virtues, therefore, and they belong to the category of moral obligation either.

Generally speaking, the concept of responsibility covers the most widely range, including all duties and obligations, namely, the responsibilities legally or morally stipulated by offices, jobs, positions or agreements and etc., as well as those causal responsibility related to one's actions and their results which do not belong to the duties and the obligations. Therefore, responsibility belongs to a generalized understanding, namely, "each of us is responsible for all of his or her actions."⁶ Duty or obligation belong to narrow understandings of responsibility, namely, we are responsible for those we should fulfill morally or legally. As for the broad understanding of generalized responsibility, in addition to a distinction between legal responsibility, moral responsibility and causal responsibility, there are more distinctions such as economic, environmental and social responsibilities according to different areas, and moreover, governmental, corporate or organizational, and individual responsibilities according to different actors' levels. Civic responsibility includes all citizens' responsibilities, as well as corporations' responsibilities. On the whole, a interlocking net of responsibility, composed by responsibilities, duties and obligations of different positions, areas and on different action levels, and supported by legal provisions and moral norms, is covering the all sides of human actions and their consequences. As development of people's practice and its understanding, their cognition about consequences and responsibility of their behavior has been increasingly developing, e.g., the emphasis on environmental responsibility or corporate social responsibility in recent decades.

According to *Modern Chinese Dictionary*, "quan li (right)", refers to "the power that citizens or legal persons lawfully exercise of and the benefit that they lawfully enjoy."⁷ The problems with this definition are: 1) It is limited to legal rights, namely those legally confirmed and protected rights, but does not include other due rights, such as moral rights, namely morally justified rights, e.g. human rights (they are firstly moral rights) ; Citizen's rights only can be enjoyed by the citizens, however, moral rights are the rights that all people, whether they are citizens or not, should have and enjoy; 3) Many moral rights and legal rights are overlapped legal rights are the rights that morally can be acceptable or the rights at the bottom line of morality. So, in the discussion of rights, we should in the first place make clear that the rights here should include moral right as well. Of course, not all things can be taken as rights, what law and morality protect and maintain as the rights are the things of "paramount importance," such as freedom, life, and property.⁸ In addition, because a right is legitimated and justified as a power and an interest, and it will be weak if without a corresponding obligation to require a moral agent or a group of agents to respect it, so a right requires a corresponding obligation, namely a responsibility that stipulated legally or morally. For example, among rights, the right to freedom of physical movement is the primary right, which includes "I" have the right to physical security, the right to action in liberty and the freedom to engage in personal affairs within the limits prescribed by law, and at the same time, the right requires government's obligation to protect, and others' obligation to respect, these "my" freedoms and rights, as well as requires me to fulfill the obligation to respect other's same rights and freedoms. In other words, a right itself contains an obligation.

It is worth noting that, first of all, usually people pay more attention on congruity of right and obligation, but didn't notice the implication of "power" in "right" as the interpretation mentioned above offered by *Modern Chinese Dictionary*. According to German scholar Bernhald Irrgang, German word "macht" originated from ancient German word "maht", English word "might" came from the word "mugan", which meant capacity and ability, and the two words mean ability, possibility and power that act on some

⁶ De George, R.T., *Business Ethics*, Prentice Hall, 2010, p.99.

⁷ *Xian Dan Han Yu Ci Diani (Modern Chinese Dictionary)*, Commercial Publishing House (Beijing), 1999, p.1048.

⁸ Cf. Thomas Donaldson, *The Ethics of International Business*, Oxford University Press 1989, p.66.

objects⁹ Such a capacity, possibility or force acting on objects (human or natural) is a kind of subjective force of freedom, and can be understood in the sense of ontology as a kind of dominant force or influence through acting on an object or environment, namely, a kind of force directly relating to human existence and behavior, and in separating from human responsibility.¹⁰ If understand the concept of right from its power factor, we can then consider: by this force, from causality, it might bring anticipative or unanticipated results or influences on existence, human being and society, and hence, it will bring a problem of responsibility with this ability, possibility and force, and bring a problem of responsibility with the result of this application, whether people admit it or not. Moreover, because this force is a kind of control force, dominant force, or impact, it will produce a positive or negative effect, do good or evil, and hence it has the problem of constraint, regulation and specification of its exercise and use. From this perspective, power in the form of right, shows human cognition and control of such a force and requires its exercise and use in the legal and valid form of right. Therefore, right from perspective of power, means responsibility, means the responsibility for use of power.

Second, benefit in right is relative to power as well, since acquisition of benefit can't do without the power in above sense, and maintenance and exercitation of a power are also for meeting a need of a certain benefits, so what comes together with getting a benefit or meeting a requirement of a benefit is the responsibility to get a benefit by exerting a power and the relative responsibility to assume such an exercising and obtaining. Corresponding with the understanding of a responsibility in terms of a duty, the power in Chinese touches upon the responsibility of a power either. . For example, according to *Modern Chinese Dictionary*, "power" has the two interpretations: "1. Political coercive force, such as state power; 2. A control power within a scope of a duty, such as to exercise the power of the chairman, and etc."¹¹ Of course, the first meaning is not limited to the political, and state power includes economic, cultural, and other aspects' dominant or influential forces while the second meaning indicates that a power as an official one, such as the power of the chairman, comes from the duty and plays its role as the control or dominant force within the scope of the duty. Such a duty's power of a position or office is not a personal attribute, but a control or dominant force endowed by a position or office, and it is the power that necessary for fulfilling the duties, and hence a power of a duty itself contains requirements for fulfilling the duty. Also, as a position or office' right, it contains not only a power, but also interests or benefits. As the interests or benefits of a position or office' rights take fulfilling duties as its prerequisite, and obtaining compensation as the rewards for fulfilling the duty. For example, you bought a car and obtained the qualification to drive and operate it, and got the ownership and use right of the car, or if you were an official, due to the needs of official business, you had the right to use an official business car, no matter under whatever situation, you were all accountable for complying with the vehicle and traffic regulations, and for your driving consequences while you obtaining and enjoying the vehicle and its traffic convenience. And it's absolutely not to say that you can brazenly bump into pedestrians, into traffic police and into toll collectors.

General speaking, the relationship between of right and responsibility is as the following. First, according to "zhai" (debt) was the etymon of "ze", "ze" corresponded with the right. Second, right corresponds with obligation, which is the responsibility legally and morally stipulated. Especially, from the content of a right, as a power of a right, obtained by legal recognition, it is directly related to human existence and their behavior, and hence bring a problem of responsibility with it; as an interest or benefit of a right, obtained by legal recognition, it is also directly related to the responsibility that justly using power to obtain interests and the responsibility of the use and the obtaining. Finally, though a power and a benefit as a right, largely comes from a position, the premise and basis of an office' power and its reward, are to fulfill the duty by the position or office.

Part Two The Expansion of Right and Moral Responsibility as a Key Concept of Contemporary Morality

⁹ Cf. *Lexikon der Wirtschaftsethik*, Verlag Herder Freiburg im Breisgau 1993; Chinese version, Shanghai People's Publishing House 2001, p.288.

¹⁰ *Idem*, p.290.

¹¹ *Xian Dan Han Yu Ci Diani*(*Modern Chinese Dictionary*), Commercial Publishing House (Beijing), 1999, p.1048.

Although a right with a responsibility theoretically and normatively is consequential. But in the real world, especially in contemporary, such a consequential relationship is faced with problems. For example, in the West, it is particularly manifested as to abuse the language of rights, exaggerate importance of right, and to extremely expand domain of rights, and at the same time, the importance of responsibility, obligation, and duty have been ignored.

For example, Richard De George points out, "The language of right is frequently abused. People have claimed a wide variety of rights." He added that such abuse particularly in the case that takes privileges as rights.¹² John Boatright points out, "there is a tendency to stretch the concept in ways that dilute its meaning. For example, the rights to receive adequate food, clothing, and medical care, mentioned in the Universal Declaration of Human Rights, are perhaps better described as political goals rather than rights."¹³ While seeing the extension of rights, Georges Enderle has noted the issue of responsibility and obligation had been neglected. He says, we must admit that "the importance of rights has been strongly exaggerated: the domain of right claims was extremely expanded; the significance of duties was neglected; and the whole moral sphere was conceived in terms of 'rights'".¹⁴ And as the reaction to the expansion and ignorance, it is a strong call for responsibility. Gertrud Nunner-Winkler indicates, "Today, responsibility is a hot concept. However, it is not clear that the hot means people's moral sensitivity improving or personal sense of responsibility vanishing."^{15,16} I think, it is clear that responsibility is becoming a "hot concept", though they didn't explain the hot's reasons. If we consider that rights in the west were defined as a "trump" over a collective good, which is to say that the assertion of one's right to something takes precedence over all but the most compelling collective goals, and overrides the state's interest¹⁷; then, we may ask: whether it means the ascension of collective or national interests that the concept of responsibility corresponding to concept of right becoming "hot concept" and "key concept"? Or what are the reasons making such a concept which means collective and national interests lifted to the level of "hot" and "key" concept?

In today's China, the term of "right" has entered ordinary people's daily expression; especially "labor right", "right of employment", "right of property", "consumers' right", and "environmental right" have become the fastest growing and most concerned rights in recent decades. In China where Liang shu-ming regarded as "individuals would be never found", this concept of "right" borrowed together with "Mr. Morality" and "Mr. Science" by Chinese then, has been come from our own political, economic and social life now. Particularly, the 2004 Constitutional amendment for the first time absorbed "human rights" into the Constitution, clearly approved that "the state respects and safeguards human rights", shows that human rights as natural rights and moral rights have become legal rights in China. Today's Chinese, according to the Constitution, have civil rights including: the right to ownership of property, the right of personal liberty, the right to vote and the right to be voted, the rights to freedom of speech, press, assembly, association, procession and demonstration, the right to freedom of religious belief, the right of human dignity, the right of residence, the right of communication liberty, the right to work, the right to rest, the right to education, and etc., the comprehensive basic rights. It's worth noting that the obligations specified in the Constitution do not enlarged. They are still the most basic obligations as the followings: 1) citizens in exercising their freedoms and rights, should not harm interests of the state, the society, and the collective and other citizens' legal freedoms and rights; 2) the obligation to safeguard national unity and peoples 'unity; 3) the obligation to maintain national security, honor and interests; 4) the duty to defend the motherland and resist aggression; 5) the obligation to serve in the army and join in the militia in accordance with the law; 6) the obligation to pay taxes in accordance with the law. However, because our legal rights expanded, correspondingly, the citizens' first obligation that is "should not harm interests of the state, the society, and the collective and other citizens' legal freedom and rights" are being extended either. This is from the basic laws, to reflect the rights in China's progress and expansion, to reflect the scope and responsibility of government, state to protect citizens' rights in expanding, and to respect the obligation of the citizens themselves to respect freedoms and rights in expanding. Of course, the

¹² Richard T. DeGeorge, *Business Ethics*, p. 76.

¹³ John. R. Boatright, 2007. *Ethics and the Conduct of Business*. Pearson Prentice Hall 2007 (fifth edition), p.37-38.

¹⁴ Georges Enderle, Towards Business Ethics as an Academic Discipline. *Business Ethics Quarterly*:1996, 6, p. 43-65.

¹⁵ Gertrud Nunner-Winkler: Verantwortung, in Lexikon der Wirtschaftsethik, Verlag Herder Freiburg im Breisgau 1993.

¹⁶ Georges Enderle: Business Ethics in the Global Context: A Conceptual Framework, in Georges Enderle: *Action-Oriented Business Ethics*, Shanghai Academy of Social Sciences Press 2001, p.30.

¹⁷ Thomas Donaldson: *The Ethics of International Business*, Oxford University Press, 1989, p.66.

Constitution has stipulated the most basic obligations. Along with expansion of rights in various areas, divisions and on different actors' levels of political, social, especially economic life, China's legislative branch also lose no time to formulate, revise, and issue a lot of related laws and regulations. According to some legal experts' opinions that, the laws and regulations in China are not incomplete, what legislation can do, have basically all done. These laws and regulations specifically embodied the provisions of the civil rights and organizational rights by the Constitution, and stipulated in detail the duties, obligations and responsibilities in various areas and on different actor's levels. Moreover, not only stipulated by the laws and regulations, in the field of moral rights and obligations, the Chinese central government by issued "The Program of implementation of Citizen Morality", have provided for citizens the basic guidelines of social morality, professional ethics and family moral. But, it should admit that, the expansions of rights, and the promulgations of laws, regulations and code of ethics, to a great extent, in real life, have not begotten the granted correlative relations of responsibilities and rights and the responsibility undertaking. On the contrary, there was a great quantity of abuse of freedom and rights. Food safeties, environment pollution, official corruption, are the most serious social and economic ethical issues in recent decades. These abuses even overflow to overseas, such as earlier than the SanLu milk scandal, two small Chinese companies in Jiangsu and Shandong, put melamine into the pet food exported to USA, in order to reach the criterion of wheat gluten used by Menu Foods, caused many pets die from renal failure. From these events and issues, we see that these involved officials, enterprises and individuals had no any sense of responsibility, duty and obligation, and what they considered were only to abuse power for personal gain, to make power-for-money deals, and to draw water to one's mill, lost minimal conscience and sense of shame.

It is to raise a question for us: how to understand such a serious deviation of the freedom from responsibility, right from obligation, and power from duty occurred in the world and particularly in China? 30 years ago in China, today's the two pet food merchants could only be peasants in a productive team who took several work points by tilling team's land, and absolutely no possibility to start their own companies and had a chance to export toxic products to USA.

In addition, even now after 30 years, investors in China didn't think of their deposit security in the bank of China would have been put on the repayment ability of the poor workers in Cleveland of USA, who could not afford a square meter for an urinal bowl. Peoples in different parts of the world through marketization, globalization and informatization become increasingly closer together, individuals' liberty and ability get unprecedented display opportunities, and at the same time, they have changed original connections of responsibility and constraints, such as those toxic pet food consumers in USA or depositors in the bank of China who did not know how the food or the subprime mortgage products made out, as well as had no way to restrict the making of the food and subprime mortgage products. It should admit that the serious deviation of the freedom from responsibility, right from obligation, and power from duty, on one hand, exhibits the increasing and expanding in human capacity and strength acting on the around world, on the other hand, it reflects the weakness and lag in restriction on such acting force in the manner of responsibility, duties and obligations. This is involved in the social practical movements as driving forces behind of these increase and expansion or weakness and lag, involved in the changes based on the movements of marketization, globalization and informatization and corresponding economic changes and the changes of social organizations for recent decades, and involved in the tremendous impact on the relationship between rights and responsibilities, on the responsibility situation, and on the ties that bind.

Whether the western market capitalism, or Chinese socialist market economy, the former insist and the latter adopt, in Karl Marx's words, is a special kind of wealth creation way, namely, capitalist production mode, or surplus value or exchange value production mode. The production mode takes maximization of surplus value as its premise and condition, as the purpose of producers' decision and action, and manifests "a tendency of capital civilization" called by Marx, in the process of this pursuing maximization¹⁸, that is, tends to cause an ever expanding and increasingly widespread production system, continually to destroy all restricts that hindering the development of productive forces, expanding needs, making varied production, and using and exchanging natural and spiritual forces¹⁹, continually to explore the nature, find useful new attributes of objects, adopt new processing natural objects, so as to set the way of

¹⁸ Karl Marx, *Collected Edition*, 30th vol., p.395,

¹⁹ Karl Marx, *Collected Edition*, 30th vol., p.390.

their new use value, and at the same time, to increasingly find, create and meet new needs generated by the society itself, and to produce human being as the one with rich attributes and contacts, thus with wide needs as far as possible.²⁰ The marketization is such a way to coordinate and configure resources that necessary or suitable for the mode of production, the globalization is the promotion of the mode of production in the worldwide, and the informatization is to handle or coordinate the objects expanding to intangible ideas and information, not limited to tangible material recourses, and hence further reflect the continuous exploration and exploitation of the nature and the ability of human being per se by such a mode of production. This is the process of a basic trend happened for past four hundred years in the west and recent 30 years in China. As long as the worldwide promotion process of such a production mode has not been over yet, the expanding process of the pursuing surplus value or exchange value as a driving force for the mode, along with the expansion of the production system caused by the pursuit, and the process of destroying the obstacles to development of productive forces will not end, and the expanding human beings 'capacity, potentials and forces on objects, namely, the expanding human's freedom spaces, the pursuing and preserving human interests, will not stop, and at the same time, the concerns about, and the requirements for restrictions on, the indulgence of the freedoms and acting force will not stop as well. The expansion of rights and the hot of the concept of responsibility, on one hand, reflect the expansion and indulgence of such freedoms or acting forces, on the other hand, reflect the concerns about, and the restricts on, the expansion and indulgence. It should notice that the expansion and indulgence contain the expansion of human individual ability and their freedoms, pursuits and maintenance of their own interests. They are not only the results of human civilization and capital civilization, but also the impetus for further development, and the preservation and maintenance of the results and impetus in the form of rights. At the same time, it should face that the expansion and laissez faire of individual rights have been broken through the correlate and corresponding relations between rights and responsibilities, taking the responsibility for the results of the expansion and laissez faire, and the respect for others and the collective rights and interests, as the obstacles for their free developments that should be destroyed, so inevitably arouse accountable requirements and restraints. The concept of responsibility becoming popular indicts that freedom cannot be separated from responsibility, right cannot be separated from obligation, and power cannot be separated from responsibility. The relationships between them reflect the process of human being from "the realm of things in itself" to "the realm of freedom" on the perspective of values and norms. Of course, we should not abolish rights for being divorced from obligations. But we do need to face up to the serious consequences on others, public and even the actors themselves, caused by the freedoms breaking away from responsibilities, the rights abandoning obligations, and the powers disregarding duties.

We may further consider that, although capitalist production mode and relative marketization, globalization and informatization have caused great impacts and influences on the relationship between rights and responsibilities, why not all actors are in court and to jail? The author thinks that, the impacts and influences are still external causes, resulting no necessarily the behaviors that only apply rights but not fulfill obligations. So, here we will discuss the issue from internal causes, from agents' own capacity for responsibility and its connection to these external causes.

We usually say that people are responsible for their actions. This means to satisfy the following three requirements. First, the actor's capacity to fulfill responsibilities, which includes to have: 1) normal rationality; 2) the knowledge about laws, regulations, ethical norms and most basic experience consequences of behaviors; and 3) from of will, that is, an actor has the freedom to make choices and decisions by his own will. Second, a behaviors whether has fulfilled or not the relative legal or moral responsibility that a behavior should undertake. Third, whether there is any causal liability relationship between a behavior and a behavior, namely, whether a behavior and its consequences caused by a behavior, especially to see whether the behavior did the behavior intentionally. These three requirements, are meaningful to identify the liability behavior, but not enough for analysis of it, especially for analysis of whether a responsibility has been fulfilled or not. For example, in terms of capacity for duties, freedom of will is a free state of will; it answers the question whether the behavior is out of the behavior's own will. And will is a kind of psychological persistence, a kind of subjective determination to putting one's will into practice. Such a persistence and determination manifest as a choice of, and persistence to, a value. From the content of the determination, it manifests as actors' value orientation. It is a kind of psychological

²⁰ Karl Marx, *Collected Edition*, 30th vol., p.389.

persistence to fulfill a responsibility; a kind of determination to put one's complying with responsibilities, duties and obligations into practice. It manifests as a responsible orientation. I've argued somewhere before that value orientation is the value that an agent takes as a goal or an expectation to pursue, a possibility that an agent to try to realize.²¹ According to agents' capacity to fulfill responsibilities, value orientation can play role only as a behavior's psychological persistence of a choice. So, with agents' three elements in the capacity to fulfill responsibilities, it's crucial to integrate the three elements, and hence, can form a subjective insistence and persistence of responsibility value, as well as form real capacity to fulfill responsibilities. In other words, freedom of will is only a behavior's subjective state, showing that the behavior has freedom will to choose. As for what action an actor would choose, it is up to the actor's own value orientation. As for a responsibility, it is to have a will of responsibility, namely, to have an insistence or persistence to responsibility value. Further, we can ask, what is the reason or consideration that makes a behavior to insist the value orientation or responsibility orientation? The author thinks that, this includes the reasons in two aspects. One is a deeper spiritual impetus or control behind a behavior's value orientation, such as the concept of honor and disgrace, conscience, love, sympathy or God, etc.; the other is external legal coercive force and the function of moral public opinion, which will influence and restrict actors' value orientation and decision by will. For example there is a common saying: "Don't hand out your hand to steal something, otherwise will be caught", telling to have to take care of the legal deterrent force on the consequences of a behavior, and therefore, to prevent one's decision to "hand out".

We can call this simple structure of responsible connections as a basic pattern of behavior responsibility. Obviously, even according to such an abstract responsibility pattern, it's not difficult to imagine that, any change of a condition or control force in the pattern, it can cause an issue of responsibility. For example, if the knowledge about a moral or legal rule has changed, or if the knowledge about experiential consequences of a behavior has become uncertain or abnormal, or if the used clear evaluation on certain behavior by the concept of honor or dishonor, the public moral opinion or the relative law have been becoming flexible, all will influence an actor's value orientation for choosing and deciding his or her behavior, therefore influence his or her determination of will. For example, many people, after the sentence of Peng Yu's case, are not sure if they would help an elderly faller later, for the expectation about experiential consequences becoming uncertain and less simple, therefore, these influence actors' value orientation and practical choices. However, it is worth noting that, if actors think, Peng Yu case is just an exceptional one, and still take "to respect elderly and care children" as the virtue they should have and the obligation that they should fulfill, then no one can stop him from continuing to practice this virtue and obligation. In particular, e.g., the old woman Chen who took up the injured little girl on the road knew nothing about the obligation orientation we are talking here, but the love and compassion for children prompted her to pick up the injured child, as many now still continue to lift up elderly fallers and rescue injured children. Here, we see the key role of actors' value orientation to respect the elderly and take care of the children, the responsibility orientation, and the deeper spiritual forces of actors' conscience, sympathy, love and etc., behind actors' responsibility behaviors.

The two actors' choices and influences are quite different. An actor's choice is a real choice, a choice about real problem, and makes the choice in the real life. Actors' positions or occupations in real life are different, and the constraints to, and influential range of, their choices are different as well. Usually, we call the action space of constraints and influences on actor's decisions as actors' freedom spaces, and think actors' responsibility and his freedom spaces are proportional, namely, the bigger the freedom space, the more the responsibility.²² For example, the old woman Chen, a scrounger, whose freedom space usually will not exceed such a question: which trash has a value and can be exchanged into money, that is only about the fate of wastes. But the freedom space of the Judge of Peng Yu case is much bigger. As a judge, his duty is to find the truth of the case through the hearing of the case in according with the provisions of relative laws, and apply the laws to make a fair sentence on the case, involving the fate of people and their freedom spaces. Take another example. A ordinary citizen buys a lamp in what price, it is his or his family's business, but China Petroleum & Chemical buy what price a droplight for the central nave of its office building, it is not its officer's personal business, because it uses the money of state-owned company, investors' money, the officer's freedom space is bigger, the amount

²¹ Cf. Xiaohe Lu: *Studies on Business Ethics*, Shanghai Academy of Social Sciences 2008, p. .

²² Cf. Georges Enderle: *Action-Oriented Business Ethics*, Shanghai Academy of Social Sciences Press 2001.

he uses, and the deal he makes, and the social influence the deal bring with, are all far more than the individual citizens. In particular, as managers of the state-owned holding company, of the public company, they assume the responsibilities, to a great extent, from their duties. For example, as fiduciary of state-owned assets, the trustee of the public property, they have the obligations to respect the rights of the property and owners, do not steal, seize, invade, waste, but protect the entrusted property. Obviously, at least when purchasing "droplight of sky-price", the relative officials abandoned this fiduciary responsibility. .

This involves the issue of rights. Why the officers of China Petroleum & Chemical have bigger freedom spaces than the old woman Chen's? Why they should bear the more important responsibility as the duty to protect the fiduciary property? This is correlated to the right of the duty they obtained. The SASAC and public investors entrust the state, individual assets to them, and the latter have obtained the right of corresponding reasonable remuneration while got the operation right which including corresponding rights of production, employment, and distribution, namely, including the rights to use the social members and material resources of the society. According to the understanding of rights offered in the above, these rights include the powers obtained in the legal and justified form, namely, the capacity, possibility and force to act on objects. These objects include the environment and people themselves that can be approached, imposed, affected and changed by the capacity, possibility and forces of the players as the subjects. Thus, this brings out two kinds of responsibilities accordingly: one is the responsibility and obligation corresponding to the rights of the positions in the provisions, such as the right to protect the entrusted property corresponding to the operation right mentioned above; the other is not in the provision of duties, but for the consequences caused by using the position's power. For example, though Sinopec has no specific provisions about the price of droplights in the hall of the building, its managers should bear the responsibility of the negative influence on the society by abusing their capital power to buy a droplight with "skype-high price".

It is worth noting that, in the real world, with the globalization, marketization, informazition and the corresponding economic and social organization changes, the above simple basic responsibility pattern has become increasingly complicated and difficult to construct, especially the responsibility connection between behavers and behaviors, present a growing and diffusing trend, and hence the simple pattern has been replaced by an extended pattern.²³—We can observe this extension and diffusion of responsibility situation from its length, width and height. First, the length of the chain in behavioral consequences is extending, at the same time; behavers' sense of responsibility is reducing the correlation to one's behaviors diminishing. For example, recently China Mengniu Dairy Company Limited 's milk products were detected the excessive levels of a cancer-causing toxin, aflatoxin M1. The company admitted that because the cow ate the moldy feed. But, the company claims it will be unable to effectively prevent the dairy farmers from using moldy feed.²⁴ Indeed, tracing from the milk products, back to the cows, the feed, or according to the net friends' ridicule, to the grass, soil, water and so on, the long causal chain can be extended, all persons in charge of any link of the long chain may fill with bad or neglect duties because of remote relationship with consumers. However, even if the company cannot effectively prevent the farmers from using moldy feed milk, and the farmers were the nearest causes of the carcinogenic milk, this is not equal to say the company can't guard its strict inspection to the mange, can't eliminate big defects in the links of its production and the processes of quality controlling, and hence, it should be liable for the responsibility of the toxic milk products. From this perspective, the extending causal chain increases the difficulty to assume the responsibility in these responsible links, as well as the requirements for the behavers' corresponding responsibilities. Second is the issue of dispersion of responsibilities. Because responsibilities for behaviors involve a whole community or a lot of people on-site, none of them will feel responsible for the event, as a result, the more the number of people on-site, and the less the people fulfill the responsibility. For example, after its toxic milk scandal exposed, SanLu Milk Group's reason for defending itself is that, to add melamine to mange is a unspoken practice in the whole domestic dairy products industry. Implicationally, this is a problem with the whole industry, not just Sanlu. Indeed, an industry' responsibility, a collective's responsibility, only if all enterprises, all people in the industry fulfill their duties, can be solved an industry's problem. So this means that we

²³ Cf. Lexikon der Wirtschaftsethik, Chinese version, pp. 541-543; Richard T. DeGeorge's dissection on the relative topics, *Business Ethics*,

²⁴ <http://video.sina.com.cn/p/finance/20111227/235161625471.html>

should have the behavioral rules with the binding for a whole industry or a whole community, but this not to say that Sanlu and similar actors could be executed from the responsibility. It should know to add the melamine or not, was Sanlu's own decision. So Sanlu must by itself rather than the whole industry bear the legal and moral responsibility of the toxic milk. Third, because the agency chain of behavioral responsibilities is increasingly layer upon layer, the marketization and globalization have promoted further enlargement of labor division, the size of the enterprise bigger and bigger, and layers of management more and more. Especially in those large organizations, "the chain of agency frequently involves many people who are hierarchically related to one another. This raises problems of moral responsibility, both for those at the top and for those lower down the chain." ²⁵ Due to the long distance from top leaders to low employees, and the lowers to carry out orders from the uppers, the lowers or the uppers in a chain all don't think they should be responsible for this behavior. But "the absence of the 'feeling' of moral responsibility, however, does not indicate an absence of moral responsibility." ²⁶ The upper and the lower all have their freedom will spaces. For example, Ms. Tian Wenhua, the former President of Sanlu Group, might not have to add melamine to the milk, but she had enough freedom space to stop rather to indulge the illegal behavior, and for her subordinates, especially for those direct adders, they might do so under all kinds of pressure, but this did not make an excuse for the responsibility they should assume, since they still had, even if very small, freedom space to make a choice to add or not. Recently, the employees of Hsin Tung Yang exposure and boycotted the enterprise to make dried meat floss with moldy meat. This event is a good example for the lowers even in the limited behavior freedom space were still is able to bear the responsibility. Therefore, we can see, even in the expansive pattern of responsibilities, behaviors' will of responsibility is still crucial.

To sum up, in the modern expansive and diffusive pattern of responsibilities, the issue of liability becomes increasingly complicated, and the changes of various internal and external conditions, links and constraints, all cause the problems of responsibilities, but we still should admit that, actors 'will to implement their responsibility orientation is crucial; at the same time, because of behaviors' responsibilities are proportional to their freedom spaces, behaviors' rights are corresponding to their obligations, and hence, the more the rights and freedom spaces increasing, the more the obligations and responsibilities extending, the higher the behaviors' positions and the bigger the behaviors' powers, the more crucial the behaviors' will of responsibility. Therefore, against the background of the enormous impacts and influences on the connection of rights and responsibilities with the marketization, globalization and informatization, the concept of responsibility has become the key concept of contemporary morality. It is important for the behaviors on various levels, particularly for those on high positions to admit their will of responsibility and highlight their responsibility orientations. The author would discuss below the behaviors' responsibility practices on different levels, as well as the issue of cultivating moral responsibility from systemic and moral constructions.

Part Three The Responsible Practices of Agents on Different Levels and Cultivation of Responsible Agents as Systemic and Moral Constructions

As mentioned above, the old woman Chen and Ms. Tian Wenhua are on different levels of action, and their spaces of freedoms and corresponding responsibilities are different either. Therefore, in discussing the issue of agents' responsible practices on different levels and cultivation of responsible agents as systemic and moral constructions, we would not discuss it departure from agents' action levels and spaces of freedoms. Usually we divide agents' action levels into macro, meso and micro levels and distinguish the different actors on the three levels: governments, organizations, and individuals. The macro level refers to the level of social systems, involves in maintaining, changing or shaping various social systems, conditions, orders, and polices, and its agents are governments and their various organs as administrators and managers of the social and public powers. The meso level refers to the level of organizations, including enterprises and all the units, groups or communities with organizational structures, such as, consumer group, industry association, and etc. Micro level refers to the level of individual behaviors and decisions, such as residents, consumers, employees, managers and other individuals, "the group that consist of a few individuals but has no organizational construction and make no collective decision and collective actions, belongs to the level either."²⁷ The latter two action levels are

²⁵ Richard T. DeGeorge, *Business Ethics* (Seventh edition), Prentice Hall 2010, p.106.

²⁶ Idem, p.106.

²⁷ Cf. Georges Ederle: *Action-Oriented Business Ethics*, Shanghai Academy of Social Sciences Press 2001, p.31.

overlapped with the concept of "citizens". Differing from the traditional concept of citizens in China which only includes individual citizens, contemporary concept of citizens includes corporate citizens either, namely, corporations are now not the special agents that can be separated from civil societies, the public, including corporations themselves now also regard corporations as members of societies, citizens that enjoy citizens' rights while fulfill citizens' obligations. 'In addition, differing from the traditionally legal and moral responsibilities bearded only by individual persons, a consensus arrived in recent years is that, organizations, especially enterprises, are also considered as legal and moral persons, since they, as individuals, have goals, values, interests and strategies, and can make decisions, take actions, with spaces of freedoms to make action choices and as well as within constraints for making choices, namely, they like individuals are able to .exercise their rights and at the same time to fulfill their responsibilities, even though the way that they conduct behaviors and make decisions through internal structure of decision making in organizations. As for the emphasis on the meso-level, it shows the important role organizations play in contemporary societies. There is another division of social areas and agents in China according to governmental organization, profit organizations, and non-governmental & non-profit organizations, and hence call governmental organizations as the realm of public powers, the markets or profit organizations as the private realm, and the non-profit & non-governmental organization as the intermediary realm, the three respectively as the first, second and third sectors, or the political, economic and public realms. This classification helps to define and restrict the organizational functions and activity ranges with different powers and influences, but ignores that the agents of government, enterprises and civil society organizations are not on the same meso-level, so does individual agents on micro-level; and ignores that the agents on the three levels have different spaces of freedoms and hence bear different corresponding responsibilities even to the same issue such as an environmental issue: the government's responsibility is in the regulation and supervision in terms of environmental laws, rules and polices; enterprises' responsibility is to comply with laws, rules and policies; and carry out them into business activities; and individual actors such as consumers, residents are to consider how to fulfill the citizens 'responsibility for the environment as the slogan "taking good care of environment is everyone's duty." For example, when the environmental pollution happened on the meso-level, the enterprise cannot put the responsibility of pollution onto systemic or governmental level. Of course, sometimes, a problem on one level needs collaborative action on several other levels. For example, in order to effectively stop environmental pollution, in addition to have clear business policy on the meso level, the government should strengthen its supervision, because it is not enough to solve the problem only rely on enterprises' self-discipline. This is not to say, enterprises can put the responsibility of pollution to the government, since this concerns who did the pollution. Whether the enterprise is sneaking the sewage into the near rivers, and even after the exposure, whether the enterprise still insists on pollution even would rather to be fined, such as what the listed company, HPGC did, in the end, it still depends on the enterprise itself, especially on its executives who are in the decision making position in the responsible structure of the company. .

As citizens, whether individuals or organizations, all should have civil rights prescribed in the Constitution. In China, as mentioned before, the citizens have "human rights" according to the Constitution; have the right of property, the right of personal freedom and the other basic rights. Accordingly, the citizens must fulfill the basic constitutional obligations, including the obligations of respect the state, collective and other citizens' freedom and rights while exercising their own freedoms and rights. In addition to these legal provisions on the rights and obligations, the citizens also have the rights and obligations according to the moral norms and principles.²⁸ Because after the reforms and openness, most systematic and completed document of government's guidelines for the citizens' morality is still "The Implementation of the Program of Citizen Morality "(IPCM), my discussion here mainly based on this document. The IPCM proposes," the socialist morality construction should insist that its core is to serve the people, its principle is collectivism, its basic requirements are: love the motherland, love the people, love to work, love science and love socialism, and its focuses are civic morality, professional ethics, and family virtues. The citizens' basic moral norms are summarized as the twelve words: "love the country, comply with the law, courtesy, honesty, solidarity, amicable, diligence, self-improvement, dedicated and devotion. ". From the connection of rights and responsibilities, one of the

²⁸ The Xinhua News Agency: The Implementation of the Program of Citizen Morality "(IPCM), 24 Oct. 2001.

IPCM's guidelines for the moral construction is "to insist the balance of respecting individual legal rights and assuming social responsibilities, guaranteeing citizens to enjoy all kinds of democratic rights including political, economic, cultural, social rights and so on, encouraging people to get proper material interests through honest work and legitimate business. To guide each citizen consciously to implement the obligations stipulated by the Constitution and the laws, and to actively assume their social responsibilities. To combine the rights and obligations, sets up the socialist view of putting the interests of the state and the people in the first place while fully respect the legitimate interests of individual citizens."²⁹ Consider the legal rights and obligations, the corresponding relationship between the subjects of the civil rights and obligations is clear, "the state respects and safeguards" citizens' these rights, at the same time, the citizens should fulfill their basic obligations to the state. As for the IPCM, however, the requirements to safeguard citizens' civil rights and citizens to fulfill their civil obligations are proposed in the way that the ruling party's initiative and expectation of the citizens' response to it, among them, the subject who assumes the responsibility to "insist", "safeguard", "encourage" and "guild" is the government while as the expected responding subject, the citizens in fact know and understand these their moral rights and responsibility through these "insist", "safeguard", "encourage" and "guild" etc.. This raises very high requirement for both of the government and the citizens, for such initiative and expectation appeal to citizens' own moral will, not legally mandatory requirement. From a practical perspective, for the government, it is easy to just stop at documental level and on the theoretical propaganda; for the citizens, it is also easy to put it on the shelf for the cognitive or practical reasons.

Of course, for Chinese citizens, the legal or advocatory rights and obligations by the Constitution or by the IPCM are applicable to all people in the country. However, the issue bring with the market economy and the transforming society is that, the original unit society, acquaintance society, have been transforming to civil society, stranger society; and the development of information technology and the space on internet have been forming anonymous network society. Accordingly, the responsible relationships and the ties formed in the former society of the units, the acquaintances, and with the real names, have been [fetched way](#), marginalized or broken. The business relationships, contractual relationships, virtual relationships, formed by markets, employments and networks, have been penetrating into, impacting on, and even replacing, the traditional responsible relations and ties. People stay in the same place, e.g. Shanghai, can live in two kinds of social life: one is the society of units, acquaintances and autonyms, and the other is in the markets, in the public communication realm of strangers, and in the virtual society online. Especially, large quantity of rural workers come to Shanghai, getting away from the original society of acquaintances, autonyms. These short and changeable business and contract relationships let them into the society of strangers or virtual society, forming no new stable unit society and acquaintances society. The extensibility and unrest of people's social life, on the one hand, make them increasingly extending their independence, autonomy and freedom than before, and on the other hand, make the traditional ties completely play no role at all in the latter new kinds of societies. For example, many cases occurred in recent years all have one thing in common, that is, these suspects usually had good impressions on the people in their units, communities or at homes, so that when the cases exposed, the people's first reactions were "we had not thought that", as the peoples' reaction to Li Hao's case of sex slaves, these "we" are his relatives, neighbors, and colleagues. Why persons like Li Hao "had good behaviors" in the units, homes, and communities? It explains that the traditional social constraints for these people still play a role, but fails in these new formed social lives. Virtual communities have the obvious characteristics in this aspect. There has always been a controversial about whether network users should access internet with real names or not. It is the problem indeed, however, that some people put freedom of speech as the liberty of "leaking private dung" in the network, rumors and invectives, nasty words and lousy posts upload ad arbitrium, let readers under the harrow have to guess: what exactly these posters look like to hide behind these IDs to post them? Can they treat their colleagues, friends and family in real life like this? In particular, whether laws, social morality or professional ethics, all require citizens work honestly, do business legally, and get rewards

²⁹ The Xinhua News Agency: The Implementation of the Program of Citizen Morality "(IPCM), 24 Oct. 2001.

justly. However, from food safety scandals frequently exposed such as "swill-cooked dirty oil", "tainted steamed buns", "clenbuterol" and so on, watching those suspects who squatting down in filthy shack and processing these toxic foods from the TV news, it is difficult to link these suspects with the concept of landlich farmers. Didn't they know they were doing what conscienceless harmful behaviors? Here, the reasons of making them callous, might not only be blinded by gain therefore by lust for money, but also because of those cheated in the another end of the distant causal chain were the strangers to them. They didn't even think, they themselves, their loved ones, and friends, are also strangers to other people. If all individuals in all industries act so shameless, then how can they themselves, their relatives and friends be survived, and the society can normally operate as well?! In the basic pattern of responsibility proposed above, citizens, as normal persons, are rational beings with reason. Reason is a kind of generalized thinking ability, such as imagine and treat the strangers in the another end of the distant causal chain as same people to one's family and him or herself. Reason is also an ability to understand laws, regulations, ethical norms, and to summarizes and foresee experiential consequences of behaviors. They all have will freedom, namely, in their scope, they have the freedom to choose a certain action or not, have the freedoms to honestly work, legally doing business, and gain due rewards, have the freedom to refuse illegally trade and production. Market economy and information technology have not cancel people's rational ability, not cancel citizens' basic rights and obligations, not change a person's basic principles as a human being, and not change deeper cultural strengths such as beliefs, conscience and etc., under market rules and behind people's behaviors. For example, we can't believe, a person with a faith and conscience will do the cheating and kidnapping to other innocent people, even in a society of strangers, in a world of anonyms, where the ties that bind units, acquaintances, and autonoms loose, those persons will still keep their bottom line of morality by virtue of their beliefs or conscience. Of course, we should acknowledge that for those lacking these deep strengths, in the environment without these forces or constraints, they might be unscrupulous and carve for themselves.

Among the citizens, corporate citizens are particularly noteworthy. The serious scandals concerning public health and safety, from "swill-cooked dirty oil", "tainted steamed buns", "clenbuterol" to "Melamine infant milk powder", "strong carcinogens pure milk", and Dalian Fujia Dahua's leakage of virulent products, these disputing parties are all enterprises. Not alone domestic enterprises. In the case of the "refrigerator door" event recently happened, the disputing party is Siemens, the German large international brand. Luo Yonghao, a Chinese consumer of Siemens' refrigerator, smashed the refrigerator in anger as protest to the company in front of Siemens in Beijing after more than two months with no response to his complaint from the company about the door failed to close. And not just Siemens, many multinational well-known brands such as Heinz, KFC, Johnson & Johnson, Lipton, Nestle, and Haagen-Dazs were exposure of quality scandals one after another. These accidents of obvious liability on low-level but so tough to correct the mistakes seem seldom to happen in the West now but often appear in China. .

Meso-level is a new important behavior and decision-making level of responsibility in mainland of China. Since the reforms of market economy, springing of enterprise and corporations, its modern organization form, have formed the meso-level with relatively independent rights, benefits and responsibilities. The number of and strength from this level are still increasing³⁰, plus the enterprises from Hong Kong, Macao, Taiwan and the foreign invested enterprises, the enterprises as the main body of the market economy have been producing assignable important impacts. China's Constitution and Law of Corporations have stipulated the enterprises' legal rights and responsibilities. The Constitution stipulates that the state-owned enterprises should be independent operation, democratic management within the limits prescribed by law; collective enterprises have decision-making power in conducting independent economic activities, and implement democratic management in the premise of compliance with relevant laws; enterprises of different types of ownerships are stipulated from the rights of ownership, operation and management such as to stipulate them to have and exercise these rights within the constraints prescribed by the state and relative laws. Correspondingly, the country shall be liable for the protection of their legal rights. The Constitution just stipulates the enterprises' basic and general rights and obligations.

³⁰ For example, according to the Bulletin on main data of China's second general national economic survey, at the end of 2008, there were 4.95.9million units of enterprise legal persons, up by 1.709 million from 2004, an increase of 52.6 percent.

Law of Corporations assimilates the basic citizen morality of the IPCM as the legal obligations. The Law stipulates "A corporation is a legal person of the enterprise, which has the property of the independent legal person and enjoys the property of the legal person"; "The corporation engaging in business activities, should abide by the laws, administrative rules and regulations, comply with the social morality, business ethics, honest and trustworthy, and accept supervision by government and the public, assume social responsibility."³¹ In addition to the Constitution and the Corporation Law, the movements of business ethics and corporate social responsibility in recent decades have accumulated and provided a number of standards or criterion as the achievements of the movements, "assume social responsibility" in China's Law of Corporation reflects the important achievement. Chinese enterprises, especially those going abroad in recent years, should know and actively practice these normal requirements. Because, though the requirements, not promulgated in the form of China's laws or not completely included in foreign laws and regulations, to a great extent, they have gained the recognition of international society and the world of corporations, and become common behavior norms and evaluation standards of international markets and corporations. These standard literature include Caux Roundtable Principles for Business (1994), the "OECD Guidelines for Multinational Enterprises (1976), the UN Global Compact, (1999), and the "Sustainability Reporting Guidelines (2006). Also we can refer to *Up to Code: Does Your company's Conduct Meet World-Class Standards?*³²

From these requirements for corporate responsibility based on these literature, we can see that the contemporary understanding of enterprises' economic responsibility have not only exceeded the traditional responsibility that only assumed by enterprises for shareholders' assets, to expanding to assume all the responsibility for all stakeholders of enterprises, but also add corporate social responsibility and environmental responsibility which didn't including the traditional enterprises' responsibility. One of the basic cognition expressed by these responsibilities is that freedom does not equal to indulge; a society cannot allow to be driven by the wildness of market forces, let enterprises desperately maximize profit. Market economy must help to respect and protect social, environmental, and personal security, and as the main actors in markets, enterprises, should go beyond merely to pursuit profits, instead to assume a wider range of responsibilities including to respect and protect environment, labors and human rights. In China, some organizations, industries or departments released a few corresponding guiding principle and evaluation standards, among others, the textile industry and Pudong New District in Shanghai have already laid out relevant guidelines and criteria for the evaluation. Although these responsibility guidelines and standards, more specific than the requirements of those general ethical norms, and more binding through industries' valuation, however, as I mentioned above, events of enterprises' abuse freedoms and rights to maximize profit, did not care of corporate responsibility, despite the public interests, have been taking place continuously. Particularly after the scandals exposure, often "not aboveboard to assume their responsibilities, but use all means to carry out "crisis in public relations", try to buy popular support governmental sectors and media, to confuse, the public opinion, and to suppress consumers." Some as Dalian Fujia Dahua, after the incident of leakage of its poisonous products, they incredibly beat the reporters of CCTV who came to investigate the incident. This indicts that such an abuse has come to very rampant point. The event of Siemens's refrigerator door also reflects the seriousness of enterprises' anomie. Siemens' values and vision are "responsible, excellent and innovative", and its commitment to responsible is "we are determined to meet-and wherever possible, exceed-all legal and ethical requirements. Our responsibility is to conduct all business according to the highest professional and ethical standards and practices: there must be no tolerance for non-compliant behavior."³³ But it's shocking that the company's response to its problem was far from its values and vision. The problem of the refrigerator door belonged to technical problem, belonged to "provide consumers with health and safety products and services" which is the most basic request of corporate economic responsibility, far from "to exceed all legal and ethical requirements", " according to the highest professional and ethical standards and practices: there must be no tolerance for non-compliant behavior."

We can analyze issues of corporate responsibility according to the concept that enterprises are moral agents and the basic pattern of responsibility discussed before. Still take Siemens' refrigerator door as an

³¹ Standing Committee of the National People's: Corporate Law of the Peoples Republic of China (2005 Amendment).

³² Lynn Paine, Robit Deshpande, Joshua D. Margolis, and Kim Eric Bettcher: *Up to Code: Does Your company's Conduct Meet World-Class Standards?* Harvard Business Review, December 2005.

³³

example. The company has a clear values and vision, and has the will of freedom to act in accordance with its values and vision, in the case of the refrigerator door, it may response to the problem of the door in time according to its values and vision, or it may lay aside and neglect its values and vision, as it in fact did so, put off the problem as long as two months, thus reflected the company lacked of its will of responsibility at least on this issue, namely, lacked its persistence and insistence to put its recognition and promise about its responsibility into practice, or lacked a self-discipline. To analyze it further, we can see that, according to the company's organizational or responsible structure and the causal chain of the event, those who were at the link that most close to the causal chain and on the top level who assumed the highest responsibility for the whole flow, all had the spaces of their will of freedoms. Occurring such an event reflected something wrong with its internal management, ignored its management of values and visions, made the company's values, visions, and orientation of responsibility didn't put into practice through the company's flow of responsibility flow at least in this case. Corporate self-discipline, will of responsibility, as with individuals, need the driving forces and external restraining forces by law and moral public opinion behind it to play their roles. It might difficult to imagine for people in Germany or USA or other European countries, who experienced the movement of business ethics and corporate social responsibility, that to the quality problem, paid to attention on consumer's complaint for two months and only issued a paper statement to response it after the consumer used such an extreme way as to smash the refrigerator. The event exposed not only the problem with Siemens' self-discipline of responsibility, but also lack of enough pressures and restrictions from consumers, civil society, and government' regulations as the external environment on enterprises in China. Many domestic enterprises, may not have such higher values and visions and strict normative structure of corporate responsibility as this great brand, as well as such strong social repercussions caused by the event, however, these domestic enterprises still enjoy the legal rights and benefits stipulated by the China's Constitution and the Law of Corporations and other legal protections, and at the same time assume the economic, social and environmental responsibilities as moral agents, and still have their will of freedom to fulfill the responsibility, although a company's causal chain of behavior is longer than individuals', its agency chain is more complicated than individual chain, and hence its space of freedom is bigger than individuals', however, it is still crucial for companies as for individuals, to have a will of responsibility, namely, to have insistence and persistence to value orientation in their operation, decision making and behaviors. Enterprises, governments and various parties of a society should realize that, as the main agents in the markets, enterprises have been in charge of managing enormous human and material resources of social production, and have formed tremendous impacts on China's economic, political and social life, including people's confidence on the government's economic managerial ability and social economic security. Therefore, it becomes an important for governments, enterprises and all social groups to pay more attentions on responsibly use these impacts, make them becoming impacts toward goodness, rather than becoming an evil influence on public safety as to produce "swill-cooked dirty oil", "tainted steamed buns", "clenbuterol", "Melamine infant milk powder" and "strong carcinogens pure milk".

Governments are the agents on the level of macro-system. According to China's Constitution, the government is the administrative authority of the People's Congress (NPC), the organ of the state power. The administrative authority is granted by NPC and in accordance with the laws, through all sorts of ways and forms, to manage state, economic, cultural, and social affairs. A system is not an organization. It is usually defined as a set of normative social rules, and implemented through laws or other social control mechanisms. It is these laws and other social control mechanisms that influence people including business organizations. ³⁴ So, for example, for the business organizations on the meso-level, the relationship of government with the organizations does not restrict to a designated area or sphere according to the division of political and economic fields, rather the government as an official representative of social and public interests, can and should regulate its own behaviors through legal, administrative and moral ways, to protect the legal rights and interests of enterprises, shareholders and creditors, to maintain social and economic orders and public interests, and to promote social and economic development. ³⁵ According to the Constitution, the government is also responsible for the leadership and management of education, science, culture, and etc., and hence, the government should

³⁴ Cf. Henk van Luijk, *Business Ethics and the Quest for A Harmonious Society*, in Xiaohe Lu & Daryl Koehn eds. *Business, Corporate Governance and A Harmonious Society*, Shanghai Academy of Social Sciences Press 2005, p.501.

³⁵ Zhou Jinwei, *Government's Responsibility in the Market Economy*, in Xiaohe Lu & Deon Rossow eds, *Freedoms and Responsibilities in Developing Economy in China*, Shanghai Academy of Social Sciences Press 2007, p.12.

assume its responsibility "in building and constructing moral environment of the society." In a word, the government's right and responsibility is to lead and manage the state affairs inside and outside, safeguard the citizens' personal legitimate rights, protect the state, national and public interest of the society, namely, to hold the power for the people. Usually, a political party is such a political organization that represents certain class or group of people and go hand in hand for maintenance of their interests and realization of their political goal. The Chinese communist Party insists that it is a working-class vanguard, represents the most majority of Chinese people's interests, takes the realization of communism as their top and final ideal goal, and assumes the construction of a new China, a socialism with Chinese characteristics and the socialist market economy, as its compelling obligation of leading the Chinese people go forward to this ideal goal, and at the same time, by the way of administration, policy and regulations, positively rely on, and expect, agents on all levels to participate in the activities and bear on their relative responsibilities. However, it is needless to say that, since the reform and opening, the CCP and its officials as the ruling party have been mastering the most fundamental resources for using capitalist production mode to develop social economy: the powers on the administrative allocation of lands, capitals and human resources. According to its concept of governing, it should exercise the powers to serve the people through administrate these resource and at the same time to accept the people's supervision. But since the role of capital, everything, especially powers, become the things can be directly exchanged for all kinds of economic benefits, plus the capitalist mode of production is inseparable from the requirements for lands, credits and human resources, this makes those officials mastering the powers and rights of these resources become the tourney object. Facing such huge money and interest, not a small part of the officials lost the aim of serving the people, disregard of the party discipline and national law, from accepting bribes to asking bribes, degenerate the power for serving the people to the greedy tools to infringe upon the people's interests for seeking their own self-interest, and, some regulators or supervisors even became the thieves. As a result, the governmental regulations should be the external restrictive force to play role on the miso-level, instead became evil force, such as the case of Wen Qiang, the former chief officer of Chongqing police bureau. I was a leader but now stand here, the lesson is hard. Just in here, I witnessed Zhang Jun and a large number of criminals for trial. But now, I stand here as a defendant as well. There were various reasons for this huge change, some because of our selves, and some because of the influence of social environment, because of the lag of systemic constraints and so on. But our selves are the main reason to trend to crime. So, I hope that the general cadre, especially the security officers, must always keep a clear mind and keep alarm bells."³⁶ In terms of the pattern of responsibility provided above, his reason is really the main reason. He said before his way to execution that, "All say that I embezzled so much money, played so many women. I don't deny these. I want to say that this blamed me, or did not blame me. Of course, I should be more responsible for these. But no matter who sit at that position, all will embezzle so much money, play so many women, and even more than me."³⁷ Although he admitted that his own reason was the main reason of his crimes, we still can tell from his saying that he took the social environment and the lag of institutional constraints as the reason of the reasons. From his case, we should face up to the problem of social environment and the lag of institutional constraints, pay attention to the dangers from the "positions", or the powers without constraints. However, admittedly, making the choice of corruption was Wen Qiang himself. As the officer in charge of public security power for decades know clearly than the average persons the party discipline, the state laws, and the moral norms of the society, know clearly than the average persons the consequences if break the laws and norms. From spaces of responsibility, the higher the personal status, the less under control, and the more of behavior independent, the more crucial and important of personal's will of responsibility. If in making decision of one's behaviors, he or she still succumb to the environment without constraints, then this only shows that, the behavior choose to break the laws and rules. As for the reason for the decision, what he or she believe is only money and women, rather than the basic principles as an official or a member of the citizens, and his behavior was far from to whom is responsible for. The case of Wen Qiang proves from the negative that it is the irresponsible behavior sent oneself to the death.

In above discussion, we first put forward the issue of anomie during social transformation and hence raise the issue of the reconstruction of social norms, especially analyze the external and internal causes of the deviation of rights from responsibilities; and then discuss the agents on the three responsible levels, try to

³⁶ *The China Youth Daily*, 12 July: 2010, http://news.sohu.com/20100712/n273432933_1.shtml

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find out as much as possible the existing legal provisions and moral norms of rights and responsibilities that can be applied to the agents on these levels, and argue that, although we have cognitive and practical anxiety about responsibility, the reconstruction of responsibility is not to start from nothing. Adapting the development of freedoms and rights, we have some basic provisions and regulations of responsibility and obligations. As for the construction of responsibility, however, it is far from the triple reconstruction of Chinese market economy and social system. From the analysis of the issue of responsibility about the agents on the three levels, there are lots of issues in the various links of the basic responsibility behavior pattern. I emphasize the key role of the responsible will, this does not require all people to be responsible heroes, namely, willing to take responsible behavior even have the consequences disadvantageous to one's self. If most people in this situation all hesitate to move forward or do not know what should do, this indicates something wrong with the social confirmative system of responsibility. In order to improve responsible practice, the author would like to consider the cultivation of responsibility from the two sides: systemic construction and moral construction.

First is to perfect as far as possible the system of responsibilities, norms and rules corresponding to rights and freedoms. To the question of responsibility, it needs to answer the following four: who's responsible, to whom is responsible for, what should be responsible for, and how to be responsible for, namely to solve the issue of moral decline or the issue of cognitive anxiety. Particularly for those issues of gray responsibility caused social debates, namely, the issues of vague responsibility, they need to be dialogued and discussed by the concerned parties and achieve consensus and reasonable solution. Second is to put the standards of responsibility that have reached consensus and agreement onto operation level, integrate them into the standards and evaluations of performance in various industries and fields, and make the moral norms and value orientations have the actual force of restriction. Third is to strengthen the legal, moral and administrative pressures and restrictive forces as the external environment of agents, particularly, to strengthen the binding mechanisms for those officers who hold political and economic powers, such as indicated by the lesson of Wen Qiang, the systemic settings making the abuse of power may impossible from the beginning. Fourth is education of moral responsibility. Systemic setting is always not complete. So the true line of defense of responsibility is the agent himself. Responsibility is not only a norm, but can be a capacity of will, and it can do a great dedication such as "Everyone is responsible for his country", or a small thing such as to comply with the traffic rules or do not spit everywhere. From the cases and the basic pattern of responsibility above, it is known that the crucial role of behaviorers' will of responsibility for the responsible behavior, and the supportive role behind agents' will of responsibility are people's moral conscience, cultural beliefs, values, outlook of honor and dishonor and etc., and hence shows that, the initiative orientation of responsibility for the whole society requires common ethical framework as the premise of social culture, as the concept of sacred duty rooted in the protestant ethic. The orientation of responsibility is a kind of cultural and ethical attitude.

According to the three action levels, the behaviorers' spaces of freedoms are different, their responsibilities are different, and the characteristics of cultivating the sense of responsibility are different either. First are the government and the ruling party, particularly its officers. Chinese society traditionally has the saying that "to take officers as teachers", the ruling party's conducts about responsibility as examples have important influence on the responsible practice of the whole society. According to the requirements for responsible governments, it is necessary to update the understanding of the concept "to serve the people", namely, to change understanding "serve the people" from the concept of liberator or savior of Chinese people in the past into today's fiduciary of the people. People's interest is not just a political concept; it is a managerial concept either. As a manager, the ruling party of the government should not only have a responsibility to fulfill its fiduciary duty to the people, according to people's interests to act, but also should assume the duties for all the people, all the stakeholders of its power. To serve the people today means, to work for the people's interests, to do good governance according to the people and all relative stakeholders' interests. So to serve the people is the requirement by the duty for the managers as the fiduciary, not as the liberator or savior. So it is necessary to fully develop the democracy within both the party and the society, to supervise the party officials and social managers on all levels and in all aspects of the society. It is need to change "the rulers" of the people into "the fiduciary" of the people, to change "the master" of the people into "the steward" of the people, and to change the lord of the people to real public servant of the people.

Second is enterprises or organizations. In the past China, the enterprises were only of a single ownership, as well as their ideology, without corresponding idea of organizational responsibility. Since the reform and openings, there have been a large number of companies to be set up, as well as issued many regulations about companies. However, we lack of corresponding corporate theory, culture and ethical norms for the enterprises as organizations and legal persons. To a large extent, the construction in this respect is spontaneous; such as many enterprises use their understanding of how to be a person as their understanding of how to do an enterprise. Or they borrow the regulations including the ideas about corporate social responsibility from abroad. However, the idea of corporate social responsibility need to be rooted in building of corporate culture, need entrepreneurs to integrate it into their motivations and sense of responsibility for their personal family, local and national and to form moral bottom line for safe quality of production and products. And at the same time, the government and enterprise stakeholders should strengthen the supervision of enterprises, to limit enterprises' profit motive in safety constraints, so that they can't and not willing to, take risks, rather than to indulge some enterprises to damage environment and violate public health and security driven by GDP growth pursuit and local government's interests only.

The last is civil society. The orientation of responsibility is not isolated moral orientation, not an abstract separated from human being. Orientation is chosen and determined by human beings, and orientation of responsibility is the citizens' orientation, its subject is a citizen, as a citizen, using Marvin brown's words, "As the original meaning of the term, a citizen is the one who belongs to a city. A person could not just a citizen. It is a term of relationship."³⁸ The personal level differs from the business organizational level, and the spaces of freedoms and responsibilities they have are different either, though there is one thing in common, namely, they are all members of civil society. However, we have citizenship, but not to have civil consciousness. We have civil rights, but not to assume the responsibility as the citizens. Citizenship, civil rights, in the fundamental, means to live together, rather than isolated life. To reduce the responsibility of the members of the civil society just to the duties of concrete jobs, or to duties and responsibilities consisted of contracts or agreements, forgot the responsibility of citizens to the society is the "meta duty" which is higher and earlier than all responsibilities of particular contracts and professions. The former understanding is called by Robert Solomon as "atomic individualism"³⁹. This concept ignores individual, enterprise is an important member of a society, society created them, so their responsibility to society is not the result of the contract between them and the society, but the responsibility as members of the society they originally should assume. To make a civil society becoming the society where we live together and with the combination of freedom and responsibility, right and obligation, to make a civil society becoming the society where people to respect each other, each have the right to live an autonomous and better life, and have the right to participate in public construction of the country, the city, that is the public domain of the community, members of a civil society should play their own part, and have the responsibility for the construction of the civil society. From this perspective to see citizens' participation and discussion of governments, it is not only the question of the rights to vote votes, but concern the citizens' rights and responsibilities. This requires the members of a civil society and government, their decisions and actions, not only to fulfill their specific job responsibilities, but also to consider their mate-responsibility to a civil society, because only assume such responsibilities, and can they have freedoms and autonomous citizens' most precious thing, their citizenship.

³⁸ Marvin Brown: Business Ethics and Civil Society: A Context Approach, in Xiaohu Lu & Deon Rossow, eds. Freedoms and Responsibilities: Governments, Corporations and Civil Society Organizations, Shanghai Academy of Social Sciences Press 2007, p. 242.

³⁹ Robert C. Solomon, Ethics and Excellence, Cooperation and Integrity in Business, Oxford University Press, 1992, p.149.