

The Normative Impact of Comparative Ethics

Human Rights

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In this chapter, I address human rights as an illustration of the role of comparative ethics in normative reasoning. In Section I, I distinguish comparative ethics from related intellectual enterprises inside and outside philosophy and discuss the difficulties of a comparative conception of morality. In Section II, I argue that the normative relevance of comparative studies is subtle and indirect. It flows out of three conditions of normative respect. I argue that these apply in the case of a Chinese–Western comparison but do not warrant treating all traditions as equals. These conditions underlie the appeal of a “synthesis of East and West” and illustrate the limited normative relevance of comparative ethics. I argue that any envisioned synthesis must come from continued moral discourse within the distinct normative traditions themselves. Comparativists may inform the traditions about each other and thus stimulate moral discourse but may not otherwise “guide” or adjudicate the shape of the final synthesis. In Section III, I apply the methodology to some forms of the argument that human rights do not apply to China. Then in Section IV, I briefly develop why comparative arguments purporting to justify excepting China from the realm of human rights subvert their own role by undermining or ignoring the crucial conditions of normative respect.

I. INTRODUCTION: COMPARATIVE ETHICS AND CHINESE PHILOSOPHY

We distinguish comparative ethics from anthropology or history on broadly normative grounds. It addresses philosophical “value.”

Anthropology, by contrast, would normally address actual patterns of behavior or a description of “ordinary” attitudes. Philosophical comparison evaluates the normative doctrines of a society’s “philosophers.” Historical and religious studies may also focus more on “elite” written sources than does anthropology, but they still adopt a descriptive “scientific” posture in presenting the content of the doctrines they study.

Comparative ethics does not merely catalogue moral attitudes and motivations; it evaluates the proffered supporting doctrines and implicit underlying reasoning. Philosophers may take note of actual attitudes and behavior within the community, but they should not merely cite those attitudes or describe the behavior. The dimension of their evaluation, however, is seldom the simple truth of the ethical positions presented. Another dominant philosophical value is epistemic – the comparative justification of moral attitudes.¹ Philosophers should also be sensitive to other elements of a broad conception of epistemic values (e.g., problem-solving ability, ease of use, reliability as a shared guide, stimulation to further progress from a prior basis, novelty or difference).

Philosophical values center on coherence. This makes study of comparative moral psychology and metaethics important in evaluating normative positions. Indeed, philosophers evaluate the motivation or warrant of different normative positions against the background of the entire philosophical and conceptual system. Clearly, an individualist epistemology, semantics, and metaphysics would be relevant to a coherent understanding of Western normative individualism.²

Comparative philosophers thus naturally tend to focus on cultures with a rich tradition of normative theorizing – a philosophical tradition. China is a natural target for such philosophical study. It has a rich and distinctive philosophical heritage in which ethical issues are a central concern. A robust moral tradition normally has lively internal debates among various rival theories. Philosophical study focuses on interpretive hypotheses about the assumptions driving the debate. They would seek to reconstruct any shared commitment to higher-level standards and norms guiding that reasoning and argument about moral attitudes.³

Philosophers may draw on anthropological and religious studies as well as other attitudes (e.g., aesthetics) in their evaluation. Still their focus should be on theoretical evaluation, not mere description. Within philosophy, comparative ethics has a complex and controversial relation to antecedent metaethics and normative theory. I will look first at metaethics and then normative theory.⁴

A. Metaethical Issues: The Definition of "Morality"

The initial step in comparison raises a metaethical issue. A comparative analysis requires some account of "morality" that is general enough to structure our comparison. Henry Rosemont has argued that some differences between two cultures' beliefs could rule out comparative morality. For example, they may lead us to conclude that one culture has no concept of morality at all. We should not then say that they have a different morality.⁵ They have a different kind of normative structure (*dao*^{guide}).

A sound metaethics need not conclude that all communities have a morality. It hardly follows from the meaning of "moral," and evolutionary considerations are inconclusive. A community might survive with reasonable harmony with a social *dao*^{guide} combining etiquette, law, and positive or conventional mores. On the other hand, a sound metaethics should be sensitive to the range of moral systems in actual cultures. It should count against a metaethical theory that its conception of morality entails that only Western Europe has morality!

Metaethics regularly intrudes in normative disputes. Some familiar Kantian arguments, for example, adopt narrow metaethical conceptions that rule out familiar theories like utilitarianism as viable candidates for the moral. Other conceptions render "ethical egoism" an oxymoron. The comparativist's goal of understanding different moral systems would find content-based accounts counterproductive. If, for example, we require that a culture have a conception of "laws of pure reason" to count as having a concept of morality, the result (that Chinese philosophy has no moral theory) will convey only negative (and misleading) information. Even a broader content criterion, like "morality consists of the rules or principles that govern interpersonal actions" may rule out a moral system (or a conception of one) that describes morality solely in terms of inner virtues rather than rules.

Still, it may be hard to find a suitably neutral conception that is broad enough to allow us to speak of a Western-Chinese moral comparison. For comparison purposes, I propose to finesse some metaethical issues. We should make the relatively uncontroversial contrasts we normally do with morality. That is, we want to distinguish morality from etiquette, religious piety, positive mores, fashion, and taste. These inferential contrasts are arguably "part of the meaning" of the term.⁶ Provisionally, I propose we assume a conception that makes these "canonical" distinctions but does not put any controversial normative restrictions on what counts as a morality.

B. Morality as a Hierarchy of Standards

The urgent issue now is to clarify what implications comparative morality has for straightforward normative moral theory. We should distinguish the two at the outset. Comparative inquiry need carry no implication of normative moral relativism. We deal with normative questions (e.g., whether Chinese humans have human rights) in the usual noncomparative way. Does the correct morality justify a scheme of human rights for Asians or Chinese? Whether Chinese morality itself justifies such a conception is technically irrelevant to the first-order normative issue. Comparative study presupposes neither that no correct moral theory exists nor that Chinese moral theory is correct relative to “Chinese realities.”

Still, I hope to explain why we naturally tend to treat comparative morality as relevant in some way to normative questions. Here I will defend a severely limited normative role for comparative morality.

I have proposed using a metaethical criterion that does allow the Chinese–Western moral comparison. As I hinted in my worries about narrower conceptions, ancient Chinese normative thought does not use any *close* counterpart of human “reason.”⁷ However, we can describe a substitute to underwrite a principled evaluative comparison. To do this, we generalize “reasoning” to make it apply to using any systematic hierarchy of standards of warrant to guide deliberation and discourse. It counts as a hierarchy as long as it includes higher-level deliberating about the standards for accepting and rejecting lower-level judgments. When debates ascend to address the norms for settling first-order debates, we can mark it as a reflective tradition, even when we are suspicious of the norms used. We need make no other controversial claims about the content of reasons as long as the social discourse has this internal mechanism of self-evaluation and self-correction.

A system of norms that forms a complex hierarchy is just the sort of thing a philosopher values. Let us distinguish “morality” as that system of social discourse that exhibits such a complexity. The scheme of social discourse starts from first-level evaluations – praising, blaming, excusing, feeling guilty or angry, and so on.⁸ When the justification of these is treated as appropriately raising further questions about norms of evaluation, we are dealing with *critical morality* in contrast with mere *mores* or *etiquette*.

Although we do not postulate an autonomous rational standard, we can now partly explain the rationalist intuition that morality per se is autonomous. We have implicitly distinguished moral systems from positive

mores and etiquette. A moral system is one whose highest standards of evaluation do not rest unquestionably on simple conformity with traditional or customary social practice.

We still conceive of a community's morality as a social practice, but distinguish it from other social practices. The norms of moral discourse allow discussants to question and reject the simple appeal to a social practice as a justification. A social practice that did rest on such "factual" appeals would not be a morality as opposed to mores, conventions, or manners. It might still have a complex structure (as law does). However, if it endorsed ultimate appeal to the bald sociological fact that *these* are the laws then it would not be autonomous in the crucial way we think morality is autonomous.

II. NORMATIVE IMPLICATIONS

Consider how this metaethical conception bears on human rights. We treat the claim of a special Chinese or Asian conception of human rights as a normative claim, not a descriptive one. The actual prevalence of a different Asian attitude toward individual liberty would not determine the normative status of rights in Chinese morality. No existing moral attitudes or tradition would directly justify breaching or ignoring human rights. A morality would reject that any bald appeal to tradition justifies such a thing. Those who reject human rights citing only the ground that such is their tradition would violate their own community's moral tradition.⁹

In adopting this stance, we are appealing to a procedural conception of rationality, not presupposing any transcendent rational content or moral principle. This judgment would be equally available to competent members of the local moral-linguistic community. We are treating a moral tradition as one that rejects the simple authority of dominant judgments. As Dworkin¹⁰ puts it, we imagine a community's morality, as having a complexity such that the members of that community may all be wrong about what it requires and forbids.

In any rich moral system, the appeal to standards usually turns out to be highly complex. It is unlikely that any particular thinker will have correctly formulated her culture's ultimate standards.¹¹ Any explicit standard that one raises in moral discourse could be a target of further standard-based evaluation.

The implicit standards of a community are the idealized outcome of open-ended, norm-guided discussion within that moral community.¹² We engage in discourse together about ways (*daos*) to evaluate and guide

action. We naturally adjust our attitudes to harmonize with those of others in our community. The community's morality "evolves" (emerges?) via internal discourse.

A. Subjective Responsibility and Excuses

This brings us to a valid normative dimension of a comparative study. We can understand the normative relevance of comparative ethics on the analogy of an excuse. Western moral reasoning commonly distinguishes between "objective" and "subjective" rightness. Briefly, for something to be objectively right is for it to be what we should do given the way the world actually goes. "Subjectively right" refers to what we should do given our epistemic situation.

We normally do not blame people for objectively wrong actions if they acted in good faith and on the best information available to them. This consideration may even incline us to praise subjectively right actions (i.e., to judge that the person acted rightly, while still finding the action "objectively tragic").

Once we have the conception of a valid justification of moral attitudes, we can extend this analysis from factual beliefs to evaluations. If Anson Chan (Hong Kong's chief secretary) acts on the best information of both types available to her, we can judge her as being subjectively right even if we disagree with her actions. We may even think more highly of her when she conforms to the best evaluation available to her than we would if she were merely to ape British ethical standards.

We may excuse an action without making any stronger judgment that the actor acted rightly, that is, we may reasonably conclude that it would be wrong to punish but stop short of praising the actor as subjectively right. In other cases, we are willing to praise an actor for good intentions and principled behavior even though we find the action tragically wrong. Let us call this positive excusing in contrast to the more normal case where we simply withhold blame or punishment – negative excusing.

Positive excusing is essentially approving of the epistemic "responsibility" of an actor. It is enough for negative excusing to have made a "normal" mistake. For positive excusing, we look for evidence that the actor reasoned carefully and correctly (i.e., responsibly). We would be disinclined to praise an excusable action that did not show sufficient effort to reflect on and evaluate one's sincerely held moral attitudes and principles. We expect one responsibly to address the considerations that are available given one's norms of moral discourse.

Both Chinese and Western moral conceptions envision a common moral goal. Their norms should yield general agreement in attitudes and reactions about behavior and feelings. When the application of standards is controversial within a community, we normally expect to engage in further moral discourse, to advocate our different moral attitudes, and to seek to convince each other. We would not positively excuse a judgment that did not both take rival arguments on board and seriously address them.

Ethical argument and persuasion are activities that make sense only when communities do not assume the dominant or majority view determines what is right. The practice signals a “regulative ideal” that discourse in the community seeks an autonomous “right.” It signals that any currently dominant attitude may be wrong.

B. Widening Moral Community

Here we address an even more perplexing normative issue. Remember that comparative ethics need not make us dismiss morality as relative. Awareness of different moral systems with different moral beliefs warrants a mild degree of skepticism but does not undermine the reasonableness of making any evaluation.

Both Chinese and Western traditions take the target audience of potential moral agreement to be humans in general. We implicitly address our moral appeals to all of humanity and our regulative ideal is that moral discourse among humans tends toward that agreement. Comparative studies need not undermine *either* culture’s conception of this universal scope of the intended recipients of morality – all of humanity. Both implicitly entertain this universalism and nothing so far shows that this aspiration is wrong. (A great deal, however, suggests that it is both a difficult and distant goal!)

One result of comparative ethics is that we implicitly come to recognize ours as one of a group of alternative, distinctive moral systems. We learn a new way of seeing ourselves as others see us. Comparative exposure will make us less dogmatic or mildly skeptical about our attitudes. We see our considered first-level judgments as contingent on prior higher-order judgments for which we may not have full reflective justifications, which no one ever challenged before. However, this insight into the plurality of normative systems is perfectly general. We have no reason either to adopt the alternative or to stop making all our normative judgments as best we can.¹³ Our insights require discussants from neither moral

tradition to abandon their system of moral justification wholesale for a thought experiment with a rival tradition.

The Western advocate of individual liberty is not irrational in continuing to adopt the result of her “reflective moral equilibrium” merely on being told that Confucian moral sensibilities are different. A Chinese conservative, on similar grounds, may correctly dismiss the appeal to “international moral standards” in favor of the sincere application of his existing norms of reason. Both continue to address the question of what is objectively right for everyone and both approach it with the best information and norms of reasoning available. Even when aware of the moral conflict, each can make such judgments with intellectual integrity and a commitment to the formal autonomy of morality. Neither, that is, justifies their judgments by appealing to the bald fact that the judgment is his or belongs to his tradition.

The normative relevance of comparative studies arises for each discussant in a more indirect way. The set of beliefs among which she must now achieve reflective equilibrium includes a belief about another morality. Our awareness of a rival moral perspective does mildly destabilize our moral confidence when it meets three conditions:

1. The rival moral tradition is significantly different in its conceptual or theoretical approach.
2. It is an intellectually rich, reflective, hierarchical system of norms.
3. It satisfies some plausible condition for substantive rightness (e.g., has been historically successful or leads to correct moral judgments).

We may provisionally read the latter judgment as “yields moral insights that impress us from our present moral point of view.” To the degree that we become aware that a significant conceptual rival is comparable in reflective coherence and cultural success, we may rationally come to adopt a mildly skeptical attitude toward our own morality.¹⁴

The first condition suggests a difference between moral disagreement among significant rival moral communities and disagreements within our own community. We may view this as merely a matter of degree. We share many assumptions, standards of reasoning, and so forth in normal disagreements, but any domestic disagreement may turn on norms as well as facts. The difference would then concern mainly the degree of similarity of our respective norms guiding moral reasoning.

Still, the broad and deep conceptual nature of the differences may contribute to a kind of “intuitive” respect. The fascination with “different

ways of thinking” about life and ethics prompts a deeper recognition of the range of unreflective assumptions we must make in moral reasoning.

Westerners commonly exhibit a more “receptive” attitude toward the differences they find in Chinese morality than to those of India or the Middle East. Charges of “orientalism” are louder and angrier from writers in those areas than from Japan and China. One reason for the difference might be that initially, the Indo-European link marks a less significant conceptual departure. In the “near” east cases, Westerners sense the comparatively greater historical, religious, and conceptual background. Moral disagreement is more likely to strike them as less profound, as simply extensions of disagreements internal to their own community.

The third condition may also be at work in this contrast in Western attitudes toward the Middle and Far East. Westerners may feel a greater alienation from the orthodox results of a Middle Eastern moral outlook than they would those of the Far East (China). They would find the arguments for the attitudes resemble rather disreputable arguments from within their own tradition – those for sexism and class discrimination. Given our settled judgment of these similar attitudes supported by similar arguments in similar conceptual and cultural contexts, such practices in a closely related culture will not justify the mild skepticism required. More “distant” India prompts more fascination but still with a sense of a common base. We plausibly link differences in moral judgments to religious or “factual” beliefs (e.g., reincarnation), which are accessible and familiar to us. Since, however, we have already come to find them rationally suspect, we may not imagine the resulting moral disagreement is a deeply normative one.

This initial reaction may vanish with greater insight, of course, but it is *prima facie* consistent with the conditions of moral tradition respect. Westerners have a greater fascination with Chinese ethics because they sense it to be reflectively rich, radically different tradition that generates moral attitudes they instinctively respect. The differences still seem mistakes, of course, but seldom simply cruel or dogmatically prejudiced. Taking such an attitude does not entail taking an equal interest in the teachings of a Navaho shaman or the polygamous prophet of some rural mountain community. The mere existence of an alternative moral community need not induce the same skepticism.¹⁵

Where we find that a rival tradition meets the three conditions (significant difference in approach, rich reflective development, and compatible or successful outcomes) our norms suggest an equilibrium-disturbing possibility. The rival scheme of norms may justify sound moral insights

that one's home system has missed. We rationally begin to suspect that our moral view is complete or comprehensive. Autonomous thinkers from mutually respecting communities can then entertain a common possibility induced by their similar regulative ideals. Some conceivable moral system may do better than either rival does. For example, one that successfully synthesized the insights of both rival traditions would seem superior to either.

The implicit assumption behind discussion and persuasion is that the correct moral standards can move others. Failure to get that agreement from an otherwise rational interlocutor normally prompts more moral discourse. We implicitly suppose that repeated first-order debates within and between the mutual cultures would tend to converge. I think such concrete, day-to-day discussion is the plausible route to the cherished "synthesis of East and West." I doubt that comparative philosophers can achieve it by acting as moral prophets or as counterparts of Mill's beings who by virtue of being "competently acquainted with both" can declare which is better.¹⁶

As I imagine it, the move to synthesis must take place as each moral community gradually shifts. It would have to be motivated mainly by its own norms with the addition only of the mild skepticism induced by granting moral tradition respect to the other. In effect, it would have to be bottom-up, gradual change. That is, a Chinese theorist would have to make arguments that convince other Chinese given their existing norms, experiences, and assumptions. Similarly, a Western advocate has to make first-order normative arguments along with other normative ethical theorists.

Let us suppose that each is aware of and appreciates the other moral tradition. Still, I suggest, it is improbable that these comparativists will successfully convince other members of their home community to reject an existing moral attitude simply by citing its status in the foreign scheme. That may count as a reason for initiating a moral debate about it, but not a reason for accepting the moral attitude in question.

When a comparative philosopher, for example, argues that we should adopt Confucianism's "virtue ethics," we legitimately may wonder how the fact that Confucius believed it is relevant to any rational moral decision we are facing. Virtue ethicists regularly cite Aristotle as a model, but if appeal to *that* authority is insufficient to convince doubters, it is hardly likely that an appeal to Mencius will do better.

Similar points apply to the liberal-communitarian debate. Whatever reasons a Westerner might have for adopting communitarian attitudes,

they become no stronger if it is true that Confucians are communitarians. If the argument given by the other culture's philosopher is a good one when translated to the local language and context, then the argument, not the guru source, justifies the new belief.

So, while the regulative ideal of a wider moral community is implicit in both traditions, it is not clear how to derive any more specific normative relevance for comparative ethics. Its main role is inducing moral tradition respect and warranting a kind of excuse (tolerance) for continued disagreement. I know of no argument for any disputed feature of either ethical system that would come directly from comparative premises.¹⁷ The normative relevance of comparative ethics ends when we have made the case for moral tradition respect. Its role, then, is the rather "academic" one of exhibiting and illuminating the rich complexity and coherence of the background assumptions, concepts, and norms of reflection. In this way, it justifies some skepticism at home and openness to possible moral reform and study of the other tradition. From that point, normal, first-order moral discourse must take over.

C. Summary of Normative Relevance

We have uncovered two ways comparative philosophy can have normative relevance: by using positive excusing and by motivating the ideal of a moral synthesis. Of course, we would already have good reasons to value openness, moral curiosity, and so on, and we have good practical reasons to find modes of harmonious coexistence with other cultures. These values need not depend on the claims of the reflective coherence of the other tradition.

Let us now see how the three criteria of normative respect bear on the "Asian values" debate. First, we can agree that the West should avoid any imperious, lecturing attitude toward any Asian culture when we can justify moral tradition respect. The "should" here is not merely diplomatic, but a requirement of our own norms of reasoning about morality. We are not being moral relativists when we adopt this attitude – just the opposite. The only relativism required is the familiar type that results from applying the principle of epistemic responsibility to different situations.

It does not follow, however, that we need eschew open and frank moral discourse and disagreement. We still should express our strong moral attitudes to each other and offer our best reasoning in the expectation the other community will see its moral relevance. We should then be willing to carry the moral discourse to higher levels and confront the differences

in norms or warrants – assumptions about human nature and so forth. Failing to be open, frank, and principled in our moral objections may signal the very lack of normative respect due a coequal moral discussant. It would signal that we do not consider them as potential collaborators in a wider moral community.

Western advocates should provide a reflective, normative argument, not appeal to any alleged “international consensus.” Neither side is entitled merely to cite the “dominance” of their favored view in their home tradition. Each should elucidate in detail the assumptions and higher norms supporting their judgment. This reflects an attitude of treating each other as potential members of a wider moral community.

Westerners should expect and accept no less from the Chinese side. They should not allow the simple, unelaborated assertion of “traditional differences” to end the exchange. If that is what Asian values advocates offer, then they treat their own moral community as unreflective and undermine the justification of moral tradition respect. What higher values and assumptions of the Chinese perspective warrant the different moral judgment? Moral tradition respect should inspire interest in whether deeper and higher norms warrant Confucian moral attitudes. This is especially important since other sectors of the Chinese moral community actively dispute Confucian intuitions. If rival, reflective Chinese moral theorists question Confucian attitudes then Confucian moral prejudices can only play approximately the role of Catholic dogma in the Western abortion debate.

In this normative justification project, of course, comparative philosophers have an important role to play that draws on the distinction between philosophy and anthropology, history, and the like. We may excuse political leaders from the philosophical task of formulating the assumptions, higher norms, and so forth. If we are to inspire moral tradition respect, we rely on comparative moral philosophers to explore and spell out these deeper justifications. Both cultures need access to the reasoning, which is a crucial precondition of moral tradition respect.

III. CHINA AND THE HUMAN RIGHTS DEBATE

Given my argument up to this point, I now formally abandon the posture of discussing Asian values in general. I suspect this slogan is a political, not a philosophical invention. The moral communities that make up Asia lack the kind of philosophical coherence required for comparative philosophy to treat them as one. This is certainly the case, as I argued

earlier, for South Asia and the Middle East. I limit myself formally now to elucidating the clearly equilibrium-challenging Chinese comparison.

A. *Initial Problems for Chinese Theories of Rights*

We should first distinguish between conceptual and value issues surrounding human rights claims. The alleged lack of an ancient or traditional rights concept has limited relevance. It would bar certain ways of making and justifying the claims, but we can formulate most moral issues in alternative language. The absence of a concept of a right bars a Chinese male from asserting a right to beat his wife as much as it does from asserting that he has a right to political and civil liberty.

Our concern is obviously with the content of the two rights. We can usually restate any normative issue in terms that do not require that specialized Western vocabulary. For example, *should* the Chinese political structure give individuals a larger and more stable set of basic liberties? We need not argue that it should adopt the language of rights in doing so. Conceptual issues are relevant, however, since the availability of certain ways of framing an issue may influence the answers a reasonable discourse within a community draws for guiding their moral attitudes.¹⁸ I have suggested there are other such differences in the classical Chinese perspective in several papers. My conclusions were that there might, but that study was limited to pre-Buddhist China. Pre-Han (c. 200 B.C.) Chinese thought lacked not only “rights” but also strict counterparts of “duty,” “ought” and “reason.”

So, again, the case that Chinese political structures should give individuals a larger and more stable set of basic liberties would not justify doing so by appealing to the inherent dignity of the individual as a rational being. We may find no counterpart of the conception of individual moral agents as rational. The familiar cluster of metaphysical and epistemological doctrines (e.g., the private mind as the locus of meaning) that ground the Western intuition about the primacy and dignity of the individual may all be quite alien to the classical tradition. These considerations explain why the kinds of considerations Europeans address to each other in justifying individual rights would not “make contact” with the considered views of a responsible Chinese thinker.

Many other seemingly nonethical features of the two traditions of philosophy may also yield coherence-based partial explanations of our divergent moral attitudes. No doubt, Western doctrines of metaphysical and methodological individualism would buttress the Western intuition

of the moral primacy of human individuals. Western theorists mostly understand the world as being made up of particular objects. Chinese metaphysical theory tends to analyze objects as parts of a larger, more basic whole.

Western folk psychology and philosophy of mind postulated a private, individualized mind as the locus of meaning, thought, and reason. Chinese thinkers viewed meaning as stemming from conformity to conventions of terminology that derived from the culture heroes who invented language (writing). It places fluid dispositions to language use in the place of sentential belief, assertability in the place of truth, and different schemes of distinctions in the place of rival theories. It has no clear counterpart of a proof or human faculty for assessing validity – reason.

Western epistemology attends to the ways we go from the private, subjective, individualized beliefs to an abstract, objective knowledge. Western thought typically bypasses and denigrates social conventions as “conventional wisdom.” Chinese epistemology focuses on how we take guiding discourse (a *dao*^{guide}) and apply it in real-world conditions. It had, until the Cultural Revolution, a long tradition of considering history as a treasure trove of practical guidance.

Chinese theories locate meaning in social conventions. Where Western folk theory postulates a language of private symbols (ideas or mental ideograms), Chinese folk theory places conventional public symbols (ideograms). Western mental ideograms are distributed through the individual minds of the community. They arise from each individual’s personal history of contact with objects. The Chinese folk theory also makes a story about historical contact with objects relevant to the meaning of the symbols. However, theirs is a story of contact by ancient culture heroes (sage kings) who created the ideograms. Meaning does not depend on private, individual experience. Language has meaning because we conform to a shared tradition. Knowledge is primarily knowledge of a *dao* – a social guiding discourse.

Classical Chinese thinkers framed the central normative question as a social one. What content should a community’s moral discourse have? Socrates, famously, posed the question as a more individual one. What parts of the community morality should one rationally accept? The differences influencing Chinese and Western moral reasoning are both broad and deep.

The observation of all these kinds of difference, however, yields only a limited “negative” point. It merely shows how some coherence considerations that inform Western European attitudes toward individual

freedom would be absent from Chinese reasoning. At best, it may help explain why the Chinese community has not yet overwhelmingly concluded that individual liberty and democracy are important political value (i.e., why today the issue is an ongoing and controversial one in China).

These considerations, however, cannot block genuinely culturally Chinese participants in moral discourse from giving sound and convincing arguments for greater and more stable liberty. Why would a comparative ethicist treat them as doing so? I suspect it is because he assumes that *only* the line of thought that leads to Western proliberty attitudes could lead to a similar Chinese conclusion. The tendency to magnify the implications of the differences noted may stem from John Rawls's treatment of Utilitarianism.

In Rawls's classic presentation of his "liberty principle," he argued that it best accounts for all of our considered judgments about justice. He traces the principles to a Kantian attitude of fundamental respect for the individual reasoning moral agent. Utilitarian reasoning, he argued, would not justify the principles *in ways* that coincide with all *our* considered judgments (intuitions). Utilitarianism, he concluded, applies to a whole society a mode of reasoning appropriate for the individual. It thus does not take seriously the difference among individuals.¹⁹

Rawls's subtlety here is easily missed (even assuming his argument is sound). He does not say that utilitarian considerations cannot justify a conception of justice in which liberty and equality are important values. He argues that utilitarian arguments do not do justice to our intuitions about the ontological and practical status of individuals.²⁰ Our respective moral attitudes, our moral "intuitions," are not isolated judgments. We ground them on a comprehensive philosophical outlook – a view of ourselves, of society and of the world. That view, Rawls argues, is not utilitarian.

B. Chinese Classical Moral Discourse

Now, of what relevance are these kinds of considerations to any live practical issue in China? Let us take the question of whether the executive branch of the Hong Kong Special Administrative Region should allow Hong Kong citizens to exercise substantial individual liberty. Further, let us imagine the debate is one carried on mainly within the local community. The preceding ancient conceptual issues, I suggest, are simply

irrelevant, historical curiosities. Given the contemporary complexity of the Chinese moral community, these anachronistic considerations are distractions from the real issue.

Any living member of a Chinese moral community has much more to draw on in aiming for reflective equilibrium than merely the classical Chinese ethics. We may appropriately notice that internal political debate includes frequent rhetorical appeal to what is “purely Chinese.” Traditional affiliation retains a powerful emotional pull within Chinese communities. The most common manifestation is the accusation that reformers are “Westernized” or aping Western ways.²¹

Historically, Chinese liberals have felt and arguably still feel the necessity to buttress their other arguments by showing that the reforms they advocate have a traditional base. Obvious examples include Kang Yuwei, Liang Qiqiao, and Hu Shi. Clearly, however, other “reformers” have felt quite comfortable with far more radical antitraditional advocacy. So it surely is not a shared discourse requirement of the entire moral community that their political ideas should have a pure, traditional Chinese base.

I do not endorse its normative relevance, but the question of the compatibility of classical thought and political liberalism is an interesting intellectual issue. Many in the community regard it as relevant to the debate about human rights. Could a reflective, coherent, pre-Buddhist Chinese philosopher appreciate an argument for individual liberty? The question should not be “could Confucianism be coherent with liberty?” The limitation to Confucianism is a common error of comparative ethicists.²² Nothing I have said warrants respect for Confucianism in particular as opposed to Chinese moral discourse in general.

The religious, as opposed to philosophical, attachment to Confucianism may be an important causal factor in Chinese politics, but it has no logical or epistemic importance in answering our straightforward normative question. Like a comparable focus on Catholicism in discussions about abortion in the West, attention to Confucianism may have predictive or explanatory value, but is normatively inert. A modern Chinese moral thinker has no more reason to conform to traditional Confucian beliefs than a modern European has to conform to the moral judgments of Thomas Aquinas.²³

I need not deny that Confucianism is one authentic expression of the Chinese tradition. However, the “pure” tradition is not Confucian, even if, by the pure tradition, we mean the native philosophical basis set

during the pre-Buddhist, classical period. That is the period of a “hundred philosophers.” What if those Chinese philosophers who thought carefully about higher norms of moral reasoning mostly regarded Confucianism as a “soft target”?

Modern Confucians work hard to dispel these suspicions, but they are not merely Western skepticism or bias. Historically, from the dawn of Chinese thought to the modern period, Chinese thinkers have raised similar doubts. One does not have to step outside of the Chinese community to hear devastating criticisms of the deleterious effects of Confucian education and indoctrination on Chinese culture! In the face of these suspicions, arguments that limit themselves to reciting Confucian views get their conclusion at the cost of any plausible normative relevance.

Confucian apologists note that despite the criticism from other Chinese thinkers, Confucianism has become the dominant ideology in China, *and that gives it a kind of normative authority*. No one denies the antecedent (at least for medieval China), but it is not obvious that the normative conclusion follows.²⁴ *Prima facie*, Chinese political history provides excellent grounds for doubt that Confucianism’s historical dominance is a product of anything like reflective coherence. It was not a spontaneous social choice following a reflection and open, free competitive discourse. By focusing on Confucianism, they may have implicitly substituted a political orthodoxy chosen by an emperor for its worth in sustaining his and his family’s dynasty, not a morality based on sound application of Chinese norms of moral reasoning. Arguably, precisely what appealed to early political authorities was Confucianism’s reflective naiveté. That modern autocrats still draw comfort from the way it encourages submissiveness to authority is no surprise.

Any account of pure Chinese attitudes and norms for argument must take account of all the thinkers in Classical China who engaged in systematic and higher-level reflection about ethics. Studying the philosophical content of much pro-Confucian writing, one may justifiably suspect that being trained as a Confucian may be precisely the kind of indoctrination that would block or undermine the three bases of moral respect. I have argued that prominent Confucian thinkers were not adept in the techniques of critical moral reflection developed by other native Chinese thinkers.²⁵ If we conclude either that modern Confucianism is essentially a scholastic tradition (one that accords authoritative religious status to classical scriptures) or that political factors won it the cultural dominance it enjoyed, then its cultural importance will be irrelevant to morality. It will not warrant moral tradition respect. Only evidence that shared Chinese

assumptions and norms of reasoning warrant its conclusions can justify moral tradition respect.

I see no clear route to justifying moral tradition respect for Confucianism *per se*. The justification I outline here works only for a broadly defined moral community with all its divisions and disagreements. Any argument for Confucian values must first confront and respond adequately to the doubts historically (and currently) expressed by Daoists, Mohists, Buddhists, Legalists, Muslims, Christians, and liberals from within the Chinese community. There were Chinese on both ends of the guns in Tiananmen Square.

For one illustration of such criticism from the pure classical period, let us briefly consider Mohism. It was a highly influential school from that period and it “lost out” shortly after the establishment of imperial Chinese authority “buried” philosophy. Chinese conservatives tend to castigate Mohism as Western or Western-style thinking. Alternately, they characterize it as “plebeian,” “shallow,” or “lacking in style.” I have argued elsewhere that these aspersions are baseless.²⁶ What is of interest here is their transparent irrelevance. It illustrates a lingering Confucian reluctance to deal openly and fairly with criticism and objections to their ethical theories.

The philosophical quality, in context, is hard to dispute. Mozi was the first “master” after Confucius and he gave Chinese philosophy an impressively rich and sophisticated beginning – especially given the notorious nonphilosophical character of Confucius’ teachings. Mozi’s teachings included a distinctly Chinese version of utilitarianism, a counterpart of a contract theory of government, and a pragmatic theory of language. He virtually “invented” the argumentative essay as a literary style. His doctrines stimulated Confucianism to philosophical reflection and led eventually to Daoism and Legalism. The debate between Mohism and Confucianism became a paradigm for Chinese metaethics – for higher-level reflection on ethics.

For our purposes, the single most important feature of Mohism is that it gave an argument for rejecting the authority of tradition. From that point on, no Confucian felt comfortable appealing as simply to moral tradition as Confucius had.²⁷ Obviously other rival schools (particularly Daoist or Legalist) eschewed such appeal to the authority of tradition. Mencius, following Mozi, explicitly sought to give a nontraditional justification of Confucian rites. Xunzi, too, constructs elaborate pragmatic justifications of tradition. Once Confucianism steps into Mozi’s arena, the question simply shifts to whether their arguments are sound or not. Hence, as

I remarked earlier, when Chinese advocates of Asian values imply that traditional values justify ignoring human rights, they scorn a certifiably traditional Chinese value.

Mencius, given his enormous historical influence, is relevant to the Asian values debate in other ways. Besides confirming that Chinese moral reasoning rejects bald appeal to tradition, his attempts to give a metajustification of tradition introduce strikingly “democratic” lines of thought. He shows a distinct tendency to interpret the Confucian “mandate of Heaven” based on the mechanism of popular acceptance.²⁸ His moral psychology (still a subject of great dispute) appears to provide a viable base for arguments assuming an in-principle equal respect and concern for all humans.

IV. COMPARATIVE NORMATIVE CONCLUSIONS: SOME FAMILIAR FALLACIES

When comparativists hold Chinese philosophy out as a model for Western moral reform, they run the risk of undermining the basis for normative respect for the Chinese tradition. Bryan Van Norden’s tantalizing title “What Should Western Philosophy Learn from Chinese Philosophy?” illustrates the problem.²⁹ Despite the provocative title, Van Norden’s position is that one would find the study of Chinese philosophy worthwhile only if one already had two related beliefs:

1. Some belief about the problem(s) with (“the crisis in”) Western philosophy, and
2. Some belief about the degree of difference between Western and Chinese philosophy.

The former belief comes from internal Western critics.³⁰ The second is clearly too weak. To judge Chinese thought “worthy” of study, one needs an evaluative, not a descriptive view of Chinese thought. Mere difference (or similarity) would not justify studying it. Comparativists need to show not that it is either similar or different, but that it warrants moral tradition respect. Merely asserting its worth undermines rather than promotes such respect.

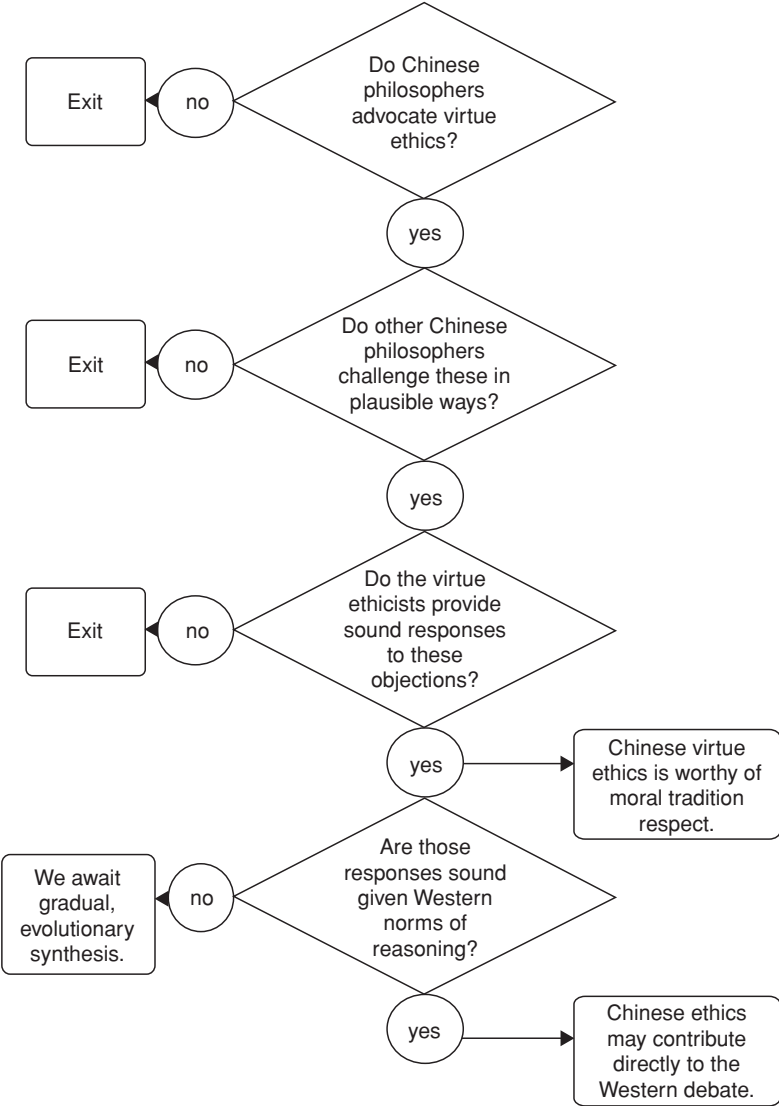
Van Norden implies that Chinese philosophy strengthens the case for a virtue ethics reform of Western tradition, so one might expect to find in his article an argument from Chinese philosophy that shows Western ethics needs such a change. Instead, he cites works that compare Chinese

thinkers to Western philosophers who espouse virtue ethics. These comparisons focus on Confucian doctrines.³¹

Since the debate about the advantages and disadvantages of virtue ethics is an ongoing one in Western thought, it is unclear what normative relevance we should assign to the mere fact that some ancient Chinese had opted for that approach. I have argued that of classical Chinese philosophers, Mencius is the most plausible example of such a path to ethical reflection.³² Other thinkers produced some powerful criticisms of the position.³³ When accompanied with the tacit admission that they confronted challenges from rival ethical approaches within their own tradition and never really formulated or addressed the current Western alternative – duty ethics – it is hard to see what normative relevance Confucian conclusions have.

Van Norden allows in passing that “other Chinese intellectual movements are . . . worthy of study” and observes that they resemble Western thinkers. This dismissive characterization, however, completely misses the point. The question is “Do non-Confucian thinkers challenge Confucian virtue ethics?” If they do, we can ask, “Given those challenges, how do Chinese virtue ethicists respond?” If Chinese norms of reasoning warrant their responses, we can ask, “Are Chinese norms of reasoning such that these responses would also be warranted in the West?” If the challenges and answers are warranted by both Western and Chinese standards *and* if Western defenders of virtue ethics have not yet noticed the responses, then Western philosophy can indeed learn something from Chinese philosophy. However, it will be irrelevant that it comes from a Chinese thinker. The argument itself will be relevant within a Westerner’s own norms or inference. We would acknowledge the thinker who originated just as we acknowledge Western historical antecedents.

If there are some deep differences among the concepts, background theories of moral psychology and the like, or norms or warrant for ethical claims, then we can still justify moral tradition respect even as we disagree with the “winning” Chinese position. We would note that the Chinese virtue ethicist’s response to their contemporary critics is sound *by their lights* though not by ours. Having granted moral tradition respect, we then may imagine the possibility of some possible synthesis but still have no way to move directly to such a synthesis. If the native contemporary Chinese critics object to the same weaknesses in Confucian theory that we are inclined to, then we have no reason to think that Confucianism represents anything more than a Chinese way of going wrong.



How is Confucian advocacy of virtue ethics nomatively relevant?

Van Norden’s authorities have only argued for the first step in this process of evaluation. His treating Confucian critics as merely “worthy objects of study” misses their crucial role in justifying moral tradition respect. The advocate of Western learning from Chinese philosophy needs to show that Confucians responded well to their own critics. Merely reciting

the Confucian case and giving modern arguments for it does nothing to warrant moral tradition respect. This is a particularly crucial point since Van Norden is dismissive of scholars who criticize Confucian reasoning. Such “sincere” advocacy, as we noted earlier, simply undermines the comparativist’s own credibility.

A parallel challenge faces the familiar appeal to Chinese attitudes to commend communitarianism.³⁴ First, communitarian attitudes are controversial within the Chinese tradition (again associated mainly with Confucianism). Notoriously, Daoism tended toward anarchism and included a tradition of hermitage.³⁵ Some read Mohism as adopting a contract theory that implies they are individualists.³⁶ Mencius characterizes Yangism as a doctrine of egoism. It would require much more careful argument than I have seen to show that the higher norms that governed the debate in ancient China clearly entailed communitarianism. If they did, the reasoning might still be unconvincing from a Western point of view, except for justifying moral tradition respect. Nothing follows from the mere observation that some (or even most) Confucians have *de facto* communitarian attitudes.

I do agree that some features of ancient Chinese (e.g., some I discussed earlier in Section III.A) made the appeal of more communitarian attitudes “natural” in ancient China. Conversely, some features I discussed make individualism as a moral perspective rather less likely. This predictive conclusion, however, has no bearing on the normative question of whether Chinese should now have human rights. Given how a modern Chinese or Westerner poses a question, it calls for a normative argument, and all the arguments for both sides that I know of could be fully understood by both modern audiences.

Again, the liberal–communitarian debate is a live and vibrant one within modern ethics. In that context, it is far from clear how the alleged fact of Chinese preference for one is relevant to the debate. If one is inclined to value the communitarian perspective, then she might express the predictive conclusion as a Chinese receptivity to the value of communitarian attitudes. If one is inclined to value individualism, it might be expressed as a susceptibility to the blandishments and illusion of normative relevance of empty and uncontroversial observations about human social nature.³⁷

Most attempts at argument amount to implicit apologetics for Chinese government attitudes toward human rights.³⁸ They imply that rights follow only from Rawlsian assumptions. However, as we saw, nothing Rawls says bars the possibility of justifying a stable scheme of individual liberty

from communitarian assumptions. John Dewey and Philip Pettit, for example, both show how such a justification of individualism from communitarian assumptions could go.³⁹

I have suggested a conception of morality that could justify some normative relevance for comparative ethics. It would do this by justifying moral tradition respect. This analysis explains why direct appeals to allegedly dominant Chinese attitudes have no normative relevance. Rather than seeking in Chinese thought for short-cut answers to contemporary Western controversies, comparativists should focus on tracing the background assumptions and higher norms of warrant that underlie all sides of Chinese ethical debates. This will give us an appreciation for how another reflective moral culture frames the question. Comparative ethics could be directly relevant if it uncovers “foreign” arguments that our own discussants have failed to notice. These arguments must be accessible (in translation) and warranted given our present norms of reasoning.

The idea of a moral synthesis is a powerful and natural one when a culture meets the conditions of normative respect. The nature of moral discourse and reasoning, however, may mean that both communities could experience ongoing progress and development in moral attitudes and yet never meet.

Notes

1. One early philosophical study had an “anthropological” character and clearly illustrates the distinction. Richard Brandt studied Hopi ethics. Richard B. Brandt, *Hopi Ethics: A Theoretical Analysis* (Chicago: University of Chicago Press, 1954). His method approximated “field work,” but Brandt’s interests were in the *principles* that intellectual leaders of the Hopi used in *justifying* their different doctrines and behaviors.
2. The contrast between *narrow* and *wide* “reflective equilibrium” motivates this observation. We understand moral reflection as the attempt to harmonize our “considered judgments,” but not only our moral judgments. The entire range of beliefs about human nature, society, and the world can be evaluated for coherence. On reflective equilibrium, see John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); Margaret Holmgren, “The Wide and Narrow of Reflective Equilibrium,” *Canadian Journal of Philosophy*, vol. 19, no. 1 (1989), pp. 43–60; and Richard B. Brandt, “The Science of Man and Wide Reflective Equilibrium,” *Ethics*, vol. 100, no. 1 (1990), pp. 259–78.
3. Explaining contrast or similarities in actual moral attitudes need not be the main interest of a philosophical study. A philosopher may be as interested in how *similar* moral attitudes can emerge from a culture with different conceptual structure and background philosophical doctrines.

4. I have little to say here about comparative moral psychology aside from evaluating the coherence of psychological theories and normative attitudes. That is, I do not speculate, here, about the possible truth of rival theories of moral psychology. This might be relevant for claims that Chinese ethics may work better for Chinese people as a distinct psychological type. It is conceivable that different nationalities might have different psychologies, or even that a theory's wide acceptance of a moral psychology might become a "self-fulfilling prophecy." Modern Europeans, shaped by institutions constructed on the assumption that we are psychological egoists, may become more "selfish" than Chinese. However, the empirical grounds for such a claim remain weak.
5. Henry Rosemont, Jr., "Why Take Rights Seriously? A Confucian Critique" in Leroy S. Rouner ed., *Human Rights and the World's Religions* (Notre Dame, IN: Notre Dame University Press, 1988), pp. 167–82. Rosemont suggests that China may be such a case. He draws on Fingarette's analysis of Confucian ethics as lacking a concept of choice and that differences in Chinese views on human behavior cannot underwrite issues about moral relativity. Rosemont's argument is interesting, in part, for his suggesting that the alternative is possibly *better* than a morality. I comment indirectly on this argument in Chad Hansen, *A Daoist Theory of Chinese Thought* (New York: Oxford University Press, 1992), pp. 81–3.
6. Probably less because it attaches to the term than because, as Saussure and Derrida remind us, meaning is a function of difference. It is because we normally contrast morality with conventions and religious rules. Conversely, we normally refer to utilitarianism as a moral theory even when we think it wrong. In any case, philosophers will have less interest in (place less value on) communities that advance only revelation, instinct or traditional authority as standards for evaluative judgments.
7. Hansen, *ibid.*, pp. 140–3; Chad Hansen, "Should the Ancient Masters Value Reason?" in Henry Rosemont, Jr. ed., *Chinese Texts and Philosophical Contexts: Essays Dedicated to A. C. Graham* (La Salle, IL: Open Court, 1991), pp. 179–209; and Chad Hansen, "Individualism in Chinese Thought" in Donald J. Munro ed., *Individualism and Holism: Studies in Confucian and Taoist Values* (Ann Arbor: University of Michigan Press, 1995), pp. 35–56.
8. I am guided here by Alan Gibbard, *Wise Choices, Apt Feelings: A Theory of Normative Judgment* (Oxford: Clarendon Press, 1990). He elucidates the claim that an ethical judgment is rational as expressing and endorsing a system of norms from which it follows.
9. This is only one of the puzzles facing naïve appeals to tradition of this sort. Another would be that the Chinese critic of human rights could not justify his critical attitude. He implicitly allows that Western tradition is different so he must judge that it is right for Westerners to advocate human rights and to push them on Asian societies as well. That is what, he supposes, Western moral tradition tells them to do.
10. Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977).

11. This need not be because they are mystical like Plato's good. A more likely explanation is because the system of standards will form a coherent scheme. The justification of any standard will depend on its coherence with the others in the community's overall system. There will be rival ways of achieving this coherence, and they will inform and shape moral disagreement and debate in the community.
12. See Gibbard, *op. cit.*
13. See Thomas Nagel, *The Last Word* (New York: Oxford University Press, 1997).
14. Notice that Rosemont's thesis that we should not regard Chinese normative thinking as a morality may block this line of thought. If it is not moral thinking but some other kind of normative activity, then we need not conclude that the resultant norm systems are in conflict. The conflict comes from the assumption that both traditions are formally autonomous and thus think of moral judgments as other than merely traditional and as applying universally. These conditions would then motivate respect, but not necessarily any ideal of a synthesis.
15. Westerners may still be cynical about Chinese morality where they sense familiar appeals. For example, the argument that we should restrict liberty for administrative or economic advantage is so familiar in Western political discourse they need find it no more impressive in the mouth of a Chinese ruler.
16. John Stuart Mill, *Utilitarianism* (London: World Library, 1863), chapter 2.
17. Many familiar premises used in moral argument could be rebutted by comparativists (e.g., assertions that such and such moral attitudes are "universally acknowledged").
18. Certain features of translation might also contribute to the difficulty in presenting certain moral views. See Roger Ames, "Rites as Rights: The Confucian Alternative" in Leroy S. Rounner ed., *Human Rights and the World's Religions* (Notre Dame, IN: Notre Dame University Press, 1988), pp. 199–214.
19. Rawls, *op. cit.*, p. 27.
20. I do not mean to suggest that the difference would not have normative implications. The differences arise from narrow as well as wide reflective equilibrium. The shape of a Chinese "utilitarian" conception of individual liberty may differ from a Western one.
21. One may worry that giving arguments showing that classical thought is consistent with human rights gives reformers a response to the unfortunate rhetorical context but also implicitly endorses and strengthens it. Should we on principle insist *only* on the normative irrelevance of descriptive classical thought – which may give the (mistaken) impression that conservatives win the point? Some Chinese conservatives even hint that Mozi, the nearest contemporary of Confucius and a strong critic, was a "Western" thinker.
22. Rosemont, *op. cit.*, pp. 167–82. Most of the contributions mainly address Confucianism. Rosemont limits his claims to Confucius himself and does so with a clearer awareness of their relevance. He treats it as an *interesting* intellectual enterprise. Would there be a way to show Confucius (or one of his disciples) that his conception was wrong and that it should include elements of human rights? I think Rosemont knows that it is strictly irrelevant

to the normative issue itself – for which he offers separate argument. The question, however, loses most of its philosophical interest when personalized or relativized to an individual. It would be too easy to find a philosopher in both traditions whose thought was inimical to individual rights. One might easily doubt that Confucius counted as a moral *philosopher* in the sense of a thinker who reflected on and questioned his *own* standards of judgment. Many have expressed such skepticism, so in the absence of evidence of such higher-level reflection, Confucius' actual beliefs and tendencies to believe are of interest mainly to those with a religious attachment to Confucianism. Confucius' views may have been the result of his psychological peculiarities or his ignorance or inattention to lines of thought that were available in his contemporary culture. See Hansen, *A Daoist Theory of Chinese Thought*, op. cit., pp. 112–15.

23. And, of course, no less. One may reflectively judge that Aquinas' moral position is correct or the best available. See the discussion in Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: Notre Dame University Press, 1988). But to make the case hold, the defender of Confucian ethics has to make a case, as MacIntyre does, not merely appeal to Confucianism's Chineseness. Whether the case is a good one or not is a matter of norms, not history or tradition.
24. Scholars seldom defend this assumption in print, but when I have put the point to my comparative colleagues, they offer various ways of preserving it. Some imply that the political decision itself shows the "naturalness" or "fit" of Confucianism for the Chinese "mind." Others claim that the fact that it could be imposed and "work" demonstrates this and finally that the fact that it was imposed and worked effected a gradual (hereditary) change so that Chinese minds are *now* effectively shaped by that decision.
25. Earlier, I would have excluded Xunzi (298–238 B.C.E.) from this negative judgment of theoretical sophistication. I do still think there are some signs of theoretical strength and originality; however, his position as a whole now strikes me as either uncomprehending or disingenuous. See my discussion in Hansen, *A Daoist Theory of Chinese Thought*, op. cit., pp. 307–43.

I thank an anonymous referee of this volume for reminding me to address the widespread perception that my interpretation of Confucians is "uncharitable." I certainly acknowledge that such is a common view of my account, and I do explicitly set out to tell a story from a perspective that is different from the usual Confucian perspective on the classical period. My negative evaluation of Confucian thinking may be controversial on various grounds, but I think it is a confusion to describe it as "uncharitable" without substantial further argument. First, I explicitly disavow the strict principle of charity in favor of the principle of humanity. I argue extensively for this choice in my work and the grounds include that selecting translation manuals that maximize the "truth" of the consequent belief systems invites us to confuse understanding with agreement. Critics should, in fairness (in charity?) at least note that before making such a charge.

Even were I to appeal to charity in interpretation, I think this criticism confuses my open expression of disagreement and other negative judgments as

the sign of failure of interpretive charity. Charity lies in making the best sense of a community's discourse, not in limning incoherent or simple-minded accounts of it with fulsome praise. Further, I explicitly argue in my work such interpretive principles should apply to the whole discourse community, not to a single book, writer, or school. I explicitly argue that if the cost of giving a charitable reading to Confucians is that one must make naïve simpletons of all their native critics then the principles weigh *against* that interpretation.

Even given that limitation, I would dispute that my analysis of Confucians themselves makes less rational sense of their doctrine than do the traditional alternatives. I find their explanations of Confucianism do not make sense despite the frequent use of adjectives like "brilliant" and "penetrating" or the introduction of their alleged doctrines with verbs like "sees that" and "understands that." I am happy to invite neutral observers to judge whether I have contributed more or less to making Confucian theorizing more intelligible in its context than do these treatments that include such praise. My separate judgment that Confucians fail to provide adequate answers to their native contemporary critics is a case where I am answerable only to my own philosophical integrity. I am happy similarly to invite readers also to consult their best philosophical judgment and draw their own conclusions. However, these judgments are largely independent of the question of the theoretical value of my interpretative innovations.

26. See Hansen, *A Daoist Theory of Chinese Thought*, op. cit., pp. 95–152, especially 95–8.
27. The "simply" is important because Xunzi did have access to and used several arguments for tradition. Some of the deeper bases of his argument included intuition, evaluation of name use, and pragmatic considerations.
28. He does not, however, accept a purely procedural account of democratic legitimacy. The targeted selection was the wisest and best, and the implicit method was more like popular acclaim than voting. The democratic feature was intertwined with a natural meritocracy. Both points suggest Mohist inspiration (as does Mencius' doctrine of benevolence). The Mohists probably elected their leaders democratically.
29. See Bryan Van Norden, "What Should Western Philosophy Learn from Chinese Philosophy?" in Philip J. Ivanhoe ed., *Chinese Language, Thought and Culture: Nivison and His Critics* (Chicago: Open Court, 1996), pp. 224–49.
30. Van Norden cites names and works but does not provide any arguments. The authorities he cites for the view that Western philosophy is in crisis include no obvious comparativists.
31. Van Norden cites other thinkers (e.g., Hall and Ames) who also concentrate on Confucianism.
32. This is, obviously, an interpretive claim with which Van Norden may well disagree. Still, it seems such interpretive issues must be settled before we can give any normative force to the claim. I argue for the claim that only Mencius seems to adopt a straightforward virtue ethics in my article in the same volume. Chad Hansen, "Duty and Virtue" in Philip J. Ivanhoe ed., *Chinese Language, Thought and Culture: Nivison and His Critics* (Chicago: Open Court, 1996), pp. 173–92.

33. Im Manyul, "Emotional Control and Virtue in the Mencius," *Philosophy East and West*, vol. 49, no. 1 (1999), pp. 1–27, argues against the standard reading of Mencius as a virtue ethicist at least if one takes Aristotle as a paradigm.
34. See for example, Daniel Bell, "A Communitarian Critique of Authoritarianism," *Society*, vol. 32, no. 5 (1995), pp. 38–44; Daniel Bell, "The East Asian Challenge to Human Rights: Reflections on an East West Dialogue," *Human Rights Quarterly*, vol. 18, no. 3 (1996), pp. 641–68; Daniel Bell, "A Communitarian Critique of Authoritarianism," *Political Theory*, vol. 25, no. 1 (1997), pp. 6–33; and Daniel Bell, "What Does Confucius Add to Human Rights?" *Times Literary Supplement* (January 1, 1999), pp. 6–13.
35. Some have argued that Daoism provides a basis for the liberal value of equal respect. See David Wong, "Taoism and the Problem of Equal Respect," *Journal of Chinese Philosophy*, vol. 11 (1984), pp. 165–83.
36. See Benjamin Schwartz, *The World of Thought in Ancient China* (Cambridge, MA: Harvard University Press, 1985), p. 142. I respond in Hansen, *A Daoist Theory of Chinese Thought*, op. cit., pp. 132–3. I doubt that Mohists were egoists – either psychological or ethical. I do, however, think that they were moral reformers who thought that we collectively can reflect on how to change our moral *dao*.
37. Even this, notice, assumes the cultural dominance of Confucianism is a product of its natural appeal as opposed to political imposition of an orthodox morality as a condition of employment. If we have reason to suspect the latter, then the prominence of communitarian attitudes in China will be utterly irrelevant.
38. See for example, Bell, "The East Asian Challenge to Human Rights," op. cit.
39. See Philip Pettit, *The Common Mind: An Essay on Psychology, Society and Politics* (Oxford: Oxford University Press, 1993), and John Dewey, *Freedom and Culture* (New York: Capricorn Books, 1939), p. 6.