

Nature and Norms in Classical Confucianism

Confucianism moral thought begins with the recognition of basic goods. A basic good is something that human beings can recognize as inherently worthy of pursuit. These are things whose inherent desirability can be recognized immediately--they are neither derived from nor dependent on any special kind of understanding or knowledge. They are also good non-instrumentally--one need not value them for the sake of higher values that they serve in order to appreciate their desirability. While basic goods may be useful for other purposes, it is not this that accounts for their desirability. Lastly on account of their immediacy and simplicity the furthering of these goods constitutes reason for action; that is, that doing X will contribute to the acquisition of a basic good constitutes, *ceteris paribus*, a reason to do X.

In saying that Confucian moral thought begins with basic goods I mean simply this. Much of the persuasive force of the Confucian picture depends our agreeing that some things are necessary components of a life well lived. Moreover, that these are good things, and that a life without or with less of them is for that reason diminished, is simply taken for granted, or presented as natural and unarguable. Lastly, on a charitable interpretation this second point stems not from a simple dogmatism or culturally circumscribed ignorance of alternative ways of living, but from an implicit understanding that it is rather obvious that these things are good, and that they will be recognized as good by any clear thinking person. Among the goods so recognized by Confucianism I would include the goods of family life, social harmony, knowledge or wisdom, and artistic or aesthetic cultural practices such as the composition and performance of music and poetry.

As examples of how these goods are used rhetorically in the tradition we might consider Mencius' appeal in IIa6 to the ability to serve one's parents as both a minimal condition of moral decency and, if we take him at his word at least, a minimal condition of counting as a genuine human as opposed to something more like a beast. As I'm reading him, that a failure to develop the sprouts of virtue (the *siduan*) leads to a failure to be able to care for one's parents is for Mencius a decisive and unassailable reason to take the project of moral self cultivation seriously. In a similar vein, it seems plausibly to read Mencius' objections to the idea of universal love advocated by Mohists as turning on the self-evident value of family relations—since treating one's own nephew as one would treat the child of a stranger would be to destroy familial bonds, the call for impartial love must be misguided.

What I want to consider here are two related issues. The first is role of basic goods in determining human action in such a way as to render it intelligible. The second is the role some have seen them playing in defining moral absolutes. Regarding the first I will consider the question of whether we can discern in Confucianism an alternative to a highly influential and seemingly natural philosophical picture of what it is to act intelligibly. Regarding the second I want to ask whether the appeal to basic goods led Confucian thinkers to posit absolute moral injunctions, particularly in the form of prohibitions. And if the answer to this question is, as I will argue, fairly clearly no, I want to suggest this alternative picture of what it is to act intelligibly is part of the explanation for why that is.

Let me start by saying a bit more about what I mean by intelligible action so that we can consider one way in which what I'm calling basic goods can figure into it. The focus here is on the way in which human action can make sense, or be evaluated for its reasonableness or

appropriateness. As it is also put, human action is intelligible when can we intelligibly ask of a person why they did what they did. We can also go the other way: intelligible behavior is the sort that is *explained* by an answer to the question ‘why did you do that?’

One account of how this can work, which I’ll call the Standard Account, is suggested very strongly by certain kinds of examples. We can, for instance, readily identify a difference between a person waving her arm in order to hail a cab, from someone who has a muscle spasm or something of the sort and consequently waves her arm involuntarily. In the latter case we are likely to say that the person did not *mean* to hail a cab, even if one pulls over to the curb as a result of her arm waving, and so her behavior does not constitute the act of hailing a cab. And if we were to ask why she did it, the only answer we could expect would be physiological, an answer that does not offer *reasons*. It would be an answer to a different kind of question. It is to mark the differences between these two events that we say things like “she meant to hail a cab by waving her arm”, or “she hailed a cab on purpose”, or, as I put it just now, “she waved her arm in order to hail a cab.” As these locutions suggest, a critical component of intelligible action is that it is at least understood to be directed towards some end. Behavior that is generated by things such as muscle spasms are meaningless, while waving one’s arms in order to hail a cab makes sense (in cultures with conventions for such things anyway). Only the latter are intelligible in the sense intended here.

We might very well take this kind of picture as pointing to a place for basic goods as providing some fundamental constraints on what can count as intelligible action, and with a couple of additional principles, the result is a robust moral picture, elements of which can be traced back to Plato and Aristotle, and which have been worked out in even more detail by those working in the Thomist tradition. Specifically, we might elaborate the picture as follows: 1) having an end which the agent judges will be served by her actions is a *necessary* component of intelligible action--agents who fail to display this relationship between what they acknowledge as goods and their behavior are not acting as agents; 2) our choices of goods worthy of pursuit is subject to rational evaluation, or, to put it differently, whether or not something is *genuinely* worth pursuing is an objective question; and 3) recognition of the basic objective goods that any rational person can simply recognize as such places fundamental constraints on what can count as intelligible behavior.

If we consider 1)--3) , it can be argued that acknowledging that something is a basic--that is self-evident and non-derivative--good compels us, *ceteris paribus*, to act so as to further it, or, even more importantly, forbids us to act directly and intentionally against it. In this way, the basic, or as they are also called in this context, “pre-moral goods” of, for example, sociability compel us to recognize normative compulsions to act and to not to act in certain ways, and so we arrive in an elegant enough way at some basic moral commands and prohibitions. The normativity here moreover is rooted in reason itself--to fail to act in ways that acknowledge the inherent desirability of the basic goods is analogous to the failure of rational thought evinced by belief in contradictions. This is because reason itself is sufficient to recognize pre-moral goods, and recognizing a good as such provides, it will be recalled, reason to to act. What distinguishes intelligible actions from brute behavior is that the former are constrained most basically by the precept that good (what is conducive to the obtaining of basic goods) is to be pursued and evil (what is intrinsically contrary to basic goods) is to be avoided. So it is that pre-moral goods ground moral injunctions as this basic precept is given precise content in our actual choices. My actions are intelligible to the extent that my ends at least are consistent with those goods that reason is able to discern as genuinely good. To the extent my ends are determined by non- or irrational considerations, irrational desires or feelings

for example, the more they resemble--appearances perhaps notwithstanding--the non-thinking behavior of animals or objects.

What I want to focus on most here is the connection between the recognition of pre-moral or basic goods and moral absolutes when we incorporate these as an essential component of intelligible actions as depicted. We should note first that no act conducive to the pursuit of a good is such that *failing* to commit it is inherently contrary to that good. This is because the basic goods can be pursued by multiple means, and it is always possible that other means might be more effective, or that the only available means may be themselves immoral. We might also reasonably forgo the pursuit of one good on a given occasion in order pursue another. This is why we don't see absolute positive moral injunctions as readily as we see prohibitions. However, on the above picture some acts can look to be, by their nature, contrary to some goods, in the sense that the deliberate killing of an innocent person is plainly contrary to the preservation of innocent human life. To see how this is supposed to add up to an absolute prohibition against the deliberate killing of innocents, we need to remember that these goods are said to provide reasons for acting. If it's the deliberate pursuit of recognized goods that makes our actions intelligible, actions that are intrinsically contrary to the pursuit of such goods are inherently irrational.

Now, if as I suggested at the outset Confucianism recognizes a certain number of basic goods--goods that any right thinking and feeling person will recognize as such--does it follow that it too has a place for at least absolute negative moral injunctions? Some commentators seem to think so. Bryan Van Norden, for example, suggests we see prohibitions in the *Mencius*, pointing to passages such as 6a10, in which Mencius suggests no right thinking person would "accept a gift given in contempt." Similarly, in his comparison of Mencius and St. Thomas Aquinas on virtue, Lee H. Yearly also sees some candidates in Mencius, such as 2a2 where we are told that if a sage "could obtain the world by performing one unrighteous deed, or killing one innocent person, he would not do it." Van Norden also reads this as articulating an absolute prohibition.

On reflection, however, it is not so clear that these examples are really presenting instances of hard and fast moral rules or absolute prohibitions. The first passage mentioned by Van Norden are not intended to demarcate acceptable and unacceptable behavior so much as diagnose what leads a *xiao ren*, a petty person, to act in shameful ways. Such people act in a way comparable to someone who would accept a gift offered in contempt not because they are violating what should be inviolable norms, but in the sense that they act in shameful ways without realizing it, not understanding that to pursue profit by any means *is like* accepting gifts offered in contempt, something they would ordinarily refuse out of pride. While the force of the example certainly turns on our recognizing the shamefulness of accepting such gifts, it is unlikely I think that Mencius meant to suggest the latter was absolutely prohibited.

Something similar can be said I think about Yearly's example. While at first glance we might read this passage as coming rather close to the kind of absolute prohibition against killing innocents recognized in deontological ethics, for example, I think here too attention to the context suggests something different. In the lengthy passage Yearly is pointing to Mencius is, *inter alia*, telling us about the character or propensities of sages, not listing those things we should and should not do. His point, I would suggest, is that sages are so focused on doing what is *yi*, or appropriate that nothing that would merely further their own interests would distract them or tempt them. While in this case the characterization is presented with an absolute qualifier--"the sage would never."--we

need to consider why it might be the case that these behaviors are being rejected, and the point I would make is that there can be things that no one do would even though they are not in any way forbidden. Presumably it is safe to say a sage would never look for fish in a tree, but not because there's a moral prohibition against it. Rather, we can make such a statement with confidence because we know a sage wouldn't be so foolish to behave in such a way. Similarly, it is consistent I think with what Mencius says to suppose his point is that a sage would know that seizing the empire by way of murder is unlikely to ever lead to a successful rule, rather than out a tacit endorsement of a principle to the effect that it is never ok to deliberately take an innocent life, even in the pursuit of good. This is not to say he would *reject* such a principle; rather formulating such rules one way or another is not something he is aiming to do. We can also point out that as most commentators agree, including Van Norden, an emphasis on flexibility and sensitivity to circumstances is much more typical of Mencius and other Confucians.

A more compelling argument for the lack of absolutes perhaps can be based on a passages in the *Mencius* where we might expect more explicit acknowledgment of the idea of moral absolutes, which is in his discussions of moral dilemmas. I say this because so often what are presented as moral dilemmas arise either when what are taken to be at least overriding imperatives are in conflict, or when the only way to achieve a certain good requires sacrificing an apparently equally compelling competing good. Consequently, such dilemmas are resolved either by accepting the moral necessity of tragic outcomes, which is the result of taking some rule or good as absolutely inviolable, or by way of the *denial* of absolutes as a result of allowing for exceptions when needed to secure a greater good or lesser evil.

Steven Angle has I think rightly argued that Mencius provides an example of a very different approach to dilemmas when asked about Emperor Shun's treatment of his morally corrupt brother Xiang (5a3). This brother was clearly wicked and a threat to those around him; on the other hand, he is a younger brother, and so owed love and care. Mencius' disciple Wan Zhang presses the worry is that Shun seemingly allows his perceived duties as a brother to take precedence by rewarding his sibling with a fiefdom--has he not failed as a ruler by failing to protect his subjects and by opting not to punish the wicked in order to do right by his (undeserving) brother? After all, Wan Zhang points out, Shun was quite willing to punish other wicked men. In reply, Mencius argues that this is not so, because in fact the brother was given no actual power over the people of Youbi whom he nominally ruled. In this rather clever way, we are told, Shun managed to navigate the dilemma of doing right by a brother without losing sight of his duties as emperor.

The thing to note about this is that Mencius' resolution plainly makes no use of moral injunctions of any sort insofar as no set of rules could have led him to think of such a way out of the predicament. Rather it was through a creative attentiveness to the particulars of the situation that led him to his solution. As Angle argues in a nuanced analysis of these and similar passages, Mencius shows a confidence that with sufficient imagination and sensitivity, apparently conflicting duties as son or brother can be harmonized as a proper way forward is discerned:

Here we have a situation that looks rife with conflict. The passage suggests that at least three values are involved: love for one's brother, a more general passion for the people of You Bi; and just or equitable treatment for criminals. Shun's solution is certainly not to add up the importance of each of these on a single scale and act accordingly: the well being of

the people is not traded off against his love for Xiang. Instead he sees a harmonious solution. (96)

Nor, would I add, did Shun decide that one set of duties was trump, forcing his hand by determining absolutely what he could and could not do resolve the problem. While there is a constant recognition that the goods of good governing must be pursued as must the goods of filial relations, just how they might be balanced will turn on the details of the case: that Xiang was wicked is relevant here, as is the fact that he is Shun's brother, as is the fact that Shun is now a ruler. Change the details of the case, and different conflicts will arise, demanding quite different resolutions. As Angle says "Shun clearly does not recognize the applicability of a 'treat like cases alike' principle, because the cases [mentioned by Wan Zhang] are not alike."

The underlying reason for this approach, Angle suggests, is that Mencius doesn't see moral dilemmas as arising from a need to mediate between diverse and in the present case incompatible ways of maximizing an "ur-value" such as happiness or justice or innocent life that is served by both good ruler-ship and family relations. Rather what Mencius looks to maximize is the harmony of the goods in play in any given situation: "Shun's treatment of Xiang [was such] that no values are forgone. Humaneness [ren] is not traded off against appropriateness [yi]; instead, each is perfectly (or maximally) expressed, relative to the possibilities afforded by the situation." (99) What I want to suggest now is that the idea that diverse goods in apparent conflict can be harmonized by attending to the particulars of the situation itself suggests—and perhaps reflects—an understanding of intelligible behavior that diverges in important ways from the picture sketched above.

The standard account of intelligible action was suggested by an example, and so I will use a different example to suggest the need for an alternative. Consider the actions of a dancer who, as part of a choreographed dance, waves her arm in a certain way. As with the case with the person described above who waves an arm in order to hail a cab we would want to distinguish the acts of the dancer from the brute behavior of someone whose arm waves as the result of a muscle spasm, and that the former is oriented towards and so make sense in light of some kind of end seems still be part of the relevant difference. Nonetheless, it also seems that there are some important differences between waving one's arms as part of a dance and doing so in order to hail a cab. In the latter case, the act is simply a means to bring about the end, and for this reason any equally successful means would do just as well. The end is, as we might put it, severable from the act we employ to bring it about. The case is different when the context is something like an aesthetic practice, and one difference is that the end and the means employed to achieve are not severable. The dancer does not wave her arms in order to bring about a state of affairs we can separate from the dance—she waves her arms in order to dance. Of course there are other ways to dance, many of which would not involve waving one's arm in just this way. But those dances would not be this dance, and that too is key.

Above I characterized in a loose way some of the basic features that we might come to think is true of all intelligible behavior:

- 1) having an end which the agent judges will be served by her actions is a *necessary* component of intelligible action;
- 2) the recognition of goods is subject to rational evaluation, or, to put it differently, whether or not something is *genuinely* worth pursuing can be an objective question; and 3) there are

some basic objective goods--the pre-moral goods--that any rational person can simply recognize as such.

We can use these to more precisely characterize what I am now suggesting is an alternative picture. The points of departure will be 2) and 3) as I think that 1) so long as we understand it a suitably abstract level, is probably common ground.

Within the context of a dance a certain movement makes sense not because it is an identifiable and plausible means towards realizing a recognized good. Rather it make sense because it contributes to the realizing of the aesthetic values displayed in the dance itself. Similarly with an improvising musician's or a composer's choice of a given note in a melodic line, or a cook's addition of a pinch of this or dash of that to a soup. In all these cases there is, in a certain sense, a good being pursued--call it beauty in the case of dance and music and good taste in the case of cooking--but it is a kind of good realized in the act of dancing or playing or composing or cooking itself. In this respect it is different from the good of hailing a cab, which is related to my arm waving only insofar as the arm waving brings about something quite distinct from it. As we've seen, there is a sense in which the arm waving is entirely dispensable if other and more preferable means are available. We can also add that to focus on the arm waving itself, supposing we might in some way perfect it or improve upon it past the point where it succeeds in getting the attention of a cab driver, is to miss the point. Or to turn it into an activity of a different sort altogether.

These observations suggest that the focus on reason as a particularly important component of intelligible action is at best misleading. I say this because while the pursuit of aesthetic goods certainly requires the exercise of our cognitive faculties, and can often be improved by theoretical knowledge and study, it is not clear that either the recognition of a suitable way to maximize an aesthetic good is a matter of practical reasoning, or that reason is sufficient for the recognition of such goods in the first place, at least if reason is understood too narrowly. To see the first point we need only to note that an improvising musician does not in any meaningful sense of the word reason her way from one note to the next. Moreover, while if she's successful the series of notes she plays will make musical sense--that is will fit the harmonic and rhythmic structure of the song--to ask *why* she chose this note or that note is to miss the point. In any case, it is unlikely to elicit an answer that goes beyond pointing to aesthetic value itself.

This last point also suggests that connecting the recognition of basic goods to reason is also problematic, and at best misleading. "Choice", if we can meaningfully call it that, in the context of improvising a piece of music or the performance of a dance does not flow from rational deliberation but rather from the awareness of and sensitivity to the contextual features that structure the piece of music or the dance. Similarly, I think, with the recognition of such basic goods as family relations. While we may sometimes posit "the good of the family" as an external or objective end towards which a certain act may tend, we are also able to respond non-deliberatively to the variety of salient characteristics structuring family interactions, and this in a way that implicates cognitive capacities that go beyond what we ordinarily think of as "reason." If this is right, then here too we would have to rethink the standard picture, particularly in its claim about both the objective desirability of basic goods, and the role of reason in identifying them. This is not to suggest that the basic goods of Confucianism are not objectively good, or that their recognition as good carries no normative force. I want to hold on to spirit as it were of both these claims. Rather my point is that we need a more nuanced understanding of what objective might mean here and a different account of the normativity involved.

As a final point, the shifts required by a recognition of a something that would include aesthetic awareness of basic goods would undermine the appeal to reason, or any basic principle of practical reason, as the foundation of moral distinctions if that is understood to exclude other of our faculties. What it requires instead is the kind of analysis given of Shun's actions offered by Angle, an analysis that makes obvious connections with similar arguments offered by Roger Ames and his co-authors, Tu Weiming and others. What I would suggest, by way of conclusion is that these analyses of Confucian morality may be pushed back a step, to an analysis of a Confucian counterpart to the exercise of practical reason.

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