

## JUSTIFICATORY STRUCTURES: TAOIST AND CONFUCIAN ETHICS

Chin-Tai Kim\*

*Abstract: The normative claims of some ethical theories receive justification from their founding layers. But some lack foundations. It becomes a meta-ethical challenge to understand the justificatory devices such theories employ. This study compares Taoism and Confucianism as Eastern examples of two theory types. The idea of harmony with Tao fuses metaphysics of immanence with the ethic of non-action, intending a metaphysical justification for the norm of non-action. Confucian ethics, dispensing with a religious, metaphysical or empirical theoretical foundation for normative ethics, uses appeal to tradition as a justificatory device. A comparative critique shows that Taoist ethics needs support of tradition as Confucian ethics needs trust of experience and thought in the justification of normative claims. It is argued that developing an art of compartment in the interstice of moral theories is more important than trying to build a moral theory with complete justification.*

Ethical theories may prescribe incompatible norms of evaluation and obligation, set different ends of human life, and/or recommend contrary virtues. Differences among moral norms will assume greater significance if they are understood to result from different foundations supporting the theories that prescribe them. The foundations of a normative theory can be broadly understood to include beliefs, substantive, epistemological and methodological, that go into the justification of its normative claims. Relevant substantive beliefs range from common-sense verities to elements of elaborate theories--philosophical, religious and scientific. A possible claim by the proponents of a normative theory that it is free of a foundation should be met with a query as to what sorts of foundations are being disclaimed and a suspicion that it may have some unacknowledged justificatory devices. Even a claim that a principle is self-evident calls for justification.

Ethical theories with explicit foundations are common in the Western tradition. Aristotle's ethics is founded in theoretical sciences, especially, metaphysics and psychology as well as logic and methodology. Kant's ethics has what he calls a transcendental foundation, a theory describing a priori conditions of the possibility of moral experience. Interestingly, his foundation for ethics, at least in his thinking, does not include a metaphysical or empirical theory of human nature so that the ontological status of practical reason that grounds it is left frustratingly vague.<sup>1</sup> John Stuart Mill's

---

\*Dr. CHIN-TAI KIM, Professor of Philosophy, Case Western Reserve University, 10900 Euclid Avenue Cleveland, OH 44106, USA. Email: [cxk6@case.edu](mailto:cxk6@case.edu); [kimsuro9@aol.com](mailto:kimsuro9@aol.com).

<sup>1</sup>The thesis that humans have an empirical nature that contains impediments to their necessary conformance to the moral law is part of Kant's foundation of ethics. But the information as to what such impediments are is not taken to be relevant.

Utilitarianism is founded on naturalist ontology and hedonistic psychology and theory of value. A close scrutiny will show that even intuitive types of normative ethics such as the theory of prima facie duties offer justificatory reasons including an explanation of why conventional foundations are not needed or appropriate. The assertion that a normative ethical theory does or does not have a foundation of a specific type should occasion a probe into a hidden justificatory scheme.

This comparative study of Taoist and Confucian ethics will focus on the structures of justification they use. Our choice of the subjects should be of broad interest as they exemplify types well exemplified in the Western tradition as well. *Confucian Analects* includes sayings that deny the relevance of religion, metaphysics and theory of human nature in the justification of the normative content of ethics<sup>2</sup> whereas Taoism freely fuses metaphysics, ethics and politics. The Confucian denial of the relevance of conventional foundations hints at a non-standard justificatory scheme underlying what may appear to some as unsystematic casuistry. Beyond weighing the advantages and disadvantages of the two approaches to morals, this study will inquire whether the justificatory intent of each can be realized with desired finality. It will be argued that the alleged justifying grounds for norms in both cases are ultimately part of a whole web of beliefs that cannot be anchored in an external foundation having decisive authority.

What is attempted here is a comparative study, from a largely Western point of view, of two Chinese schools of thought. I am aware that such a study must sooner or later address the question what conditions would make cross-cultural hermeneutics possible and whether they can be and are satisfied. A full answer can be given only in a separate study. But the following point can be made to forestall a hasty judgment that a comparative study of two non-Western schools of thought from a Western point of view, whatever its theoretical worth, lacks or has little philosophical relevance. Much more of philosophizing than is acknowledged is comparative. There are different degrees of affinity and difference, intra-cultural and intercultural, and we tend to make a hasty judgment, before undertaking a close comparative study, that products of two cultures must be incommensurable if the cultural difference involves a racial or ethnic difference. The problem a Western philosopher faces in trying to understand a Chinese philosophical school is not radically different from what a contemporary Western philosopher faces in trying to understand ancient Greek philosophy, or what a Western empiricist faces in trying to understand Western rationalism, or what a philosopher in the Anglo-American analytical tradition faces in trying to understand continental philosophy. To do comparative philosophy is to do philosophy.

---

<sup>2</sup>*Analects of Confucius*, tr. Burton Watson, New York: Columbia University Press, 2007, 5: 13 (p. 18); 7: 19, 20 (p. 50).

### I. Taoist Ethics

The concept of harmony with Tao unites the metaphysical and the empirical, essence and actuality, knowledge and practice, activity and passivity, and fact and value. The structure of Taoism could be better understood through its contrast with theism. Theism comes in a variety of forms but in all its forms an entity that is independent, in nature and existence, of worldly things is postulated to explain their nature, existence and/or becoming. The paradigmatic form of theism combines a cosmogony, a narrative of the genesis and unfolding of the cosmos, with an ontological commentary that the world is absolutely dependent in nature and existence on the deity while the latter is absolutely independent from the world. The phrase “*creatio ex nihilo*” expresses radical asymmetry of dependence between the deity and the world. Creationism is not a necessary element of theism, however. Platonic theism views matter as uncreated and assigns to the demiurge the limited function of fashioning things out of preexisting matter modeled after eternal and transcendent Forms as their archetypes.<sup>3</sup> Creationist forms of theism confer upon the deity anthropomorphic features including awareness of options, preference of an option, choice of an option and execution of the choice. Leibniz’s theology is an exemplar of anthropomorphic theism in philosophical form. Aristotle’s God, conceived as prime unmoved mover, approaches being an abstract metaphysical principle with minimum personification. Nature is uncreated and eternal with its division into fixed species. There always is motion in the world and the potency to be in motion is exclusively in worldly things. The motive potency of a thing cannot be actualized except for God but it is God’s being, not any divine action, that causes its actualization. Aristotle resorts to a metaphor to explain the nature of God’s final causation. Worldly things with motive potency desire or admire God, pure actuality in the form of eternal self-consciousness, and their felt attraction efficiently causes their motion.<sup>4</sup> But Aristotle’s view that God must be admirable does not seem to be required for God’s status as unmoved mover. A being that is repellent can be an unmoved cause of distancing motion. Anything of any nature arguably can be an unmoved mover insofar as the moved “perceives” the former. Anthropomorphic theism plays a significant justificatory role in ethics: the human moral law is thought to have authority because it is God’s command. Judaism offers a prime example of theologically founded ethics.<sup>5</sup> But Aristotle’s theism plays no such justificatory role.

---

<sup>3</sup>Plato, *Timaeus*, in Edith Hamilton and Huntington Cairns (eds.), *The Collected Dialogues of Plato*, New York: Bollingen Foundation, 1964, 29<sup>c</sup>-30<sup>a</sup>, pp. 1162-1163, 51<sup>d</sup>-52<sup>e</sup>, pp. 1178-1179.

<sup>4</sup>Aristotle, *Metaphysics*, tr. W. D. Ross, in Richard McKeon (ed.), *The Basic Works of Aristotle*, New York: Random House, 1941, Book 12, Ch. 7, 1017<sup>a-b</sup>, p. 761.

<sup>5</sup>*The New Annotated Oxford Bible*, 3rd ed., New Revised Standard Version, Oxford University Press, 2001. “Deuteronomy,” 4:4-14. It is clearly indicated that the Ten Commandments, which include ethical rules, are the primary “statutes and ordinances” that constitute God’s covenant with Israel.

The primary ontological mark of Tao is that it is neither an entity separate from the world nor an entity among others in it. It is the immanent ground of all things. The metaphysics of immanence, like theism, comes in different forms too but in its paradigmatic form it holds that the immanent ground of the world is real only through the concrete things that manifest it. Heraclitus' theory of Logos of the flux, Spinoza's monism and Schopenhauer's metaphysics of Will are three Western analogues. God as *natura naturans* in Spinoza is essence, power, potency that is actual only *through* and *as* modes, its concrete expressions. God or Nature is a complete unity of potency and its actualization—potency-in-act.<sup>6</sup> The naming of the immanent ground as "Tao" may give rise to the illusion that it is something that has a nature determinate apart from the characteristics of the phenomena that express it. But the meaning of the "Tao," Way, suggests that Tao's inner disposition can be known only by the direction – Way, which the manifest phenomena take.

The beginning stanzas of *Tao Te Ching* warn against both completely identifying and completely separating Tao and its worldly manifestation:

A way that can be walked is not the Way  
A name that can be named is not the Name.

Tao is both Named and Nameless  
As blameless, it is the origin of all things  
As Named it is the mother of all things<sup>7</sup>

No Way that is phenomenal can be the Way, the metaphysical ground of everything phenomenal. An ordinary name is given to something that is designated but the immanent ground of everything, not being an entity that can be designated, cannot have an ordinary name. Tao in itself therefore is nameless, or unnamable, but it can be named in the sense that it can be the object of a description like "the Tao of this phenomenon" or "the Tao of all phenomena" much as Heidegger's Being can be described as the "Being of encountered beings".<sup>8</sup> This does not mean, however, that Tao can be reduced to the phenomena that manifest it: the conceptual and ontological distinction between that which is manifest through phenomena and the phenomena

<sup>6</sup>Baruch de Spinoza, *Ethics*, ed. James Gutmann (ed.), New York: Hafner Publishing Co., 1949. See Pt. I, Prop. XI, XX, XXI, XXII.

<sup>7</sup>*Tao Te Ching*, tr. Jonathan Star, New York: Jeremy P. Tarcher/Penguin, verses 1 & 2. This is a highly interpretive translation.

<sup>8</sup>An understanding of the Being of humans (*Dasein*) is thought by Heidegger to set the horizons for an understanding of Being. The question whether the methodological primacy of the analysis of *Dasein* is consistent with the conceptual, and, further, ontological independence of Being from beings is not conclusively answered even at the close of *Being and Time*. But a negative answer is implied by Heidegger's description of his project as a general phenomenological ontology. Being must be meant through some phenomena. See Martin Heidegger, *Being and Time*, tr. John Macquarrie and Edward Robinson, New York and Evanston: Harper and Row, 1962, pp. 486-488.

that manifest it is retained. This aspectual duality of reality differentiates metaphysics of immanence from plain naturalism, the view that simply admits the existence of nature without grounding it metaphysically. Tao as the immanent ground of all phenomena is a “blameless” origin of all things in that unlike a theistic creator that acts for a purpose with responsibility Tao lacks anthropomorphic features that render responsibility imputable to it. Tao is amoral--beyond good and evil. What is the named mother of all things? It must be a primordial state in the cosmogonic process from which myriad things unfold. But the Named must itself be a manifestation of the Unnamed eternal ground. The idea of eternal Tao only qualifies all cosmogonic phases as metaphysically grounded in an immanent way. The Unnamed origin of all things may be compared to the immanent cause of all things in Spinoza while the Named mother of all things may be compared to a prominent transient cause.<sup>9</sup>

We are interested in the way Taoism justifies its ethics. Taoist ethics is a variety of ideal teleology: it sets an ideal end of human life, a state for humans to strive to attain, describes its constituent virtues, and prescribes a way toward it. This end is harmony with Tao manifest through non-action. Questions arise. If a person can be in harmony with Tao, disharmony with it must be possible also. How it is possible for anything that manifests Tao to be in disharmony with it? The answer should be that manifesting Tao is a metaphysical act while harmony or disharmony with Tao is a manner Tao is concretely manifest in human experience. Non-action is marked by not acting for personal ends and letting oneself be moved by a force felt and understood to be cosmic.<sup>10</sup> Attainment of non-action is thought to occasion the person's emancipation from the constraints of individual subjectivity and participation in the flow of pervasive cosmic force. What is most important here, non-action can be understood in experiential terms as a unique mode of existence marked by such understandable and pursuable virtues as selflessness, letting-be, tolerance and acceptance. My awareness that this force moving me when I have emptied myself of personal motives is Tao is a metaphysical interpretation among other such interpretations including the narrative that spirit descending from a transcendent deity moves me. But what can receive diverse interpretations is an experientially meaningful phenomenon. We will approach the general question what significance metaphysical interpretations of moral experience have by focusing on the question whether and how the metaphysical thesis that non-action manifests harmony with Tao provides justification for the normative judgment that non-action should be the moral end of humans.

A look at Aristotle's handling of the concepts of the highest good and happiness should be instructive. At the basis of his ethics is the phenomenological judgment that happiness is what all persons actually pursue for its own sake, unconditionally

---

<sup>9</sup>It is impossible for a substance to be a cause or effect of another substance, immanent or transient. Nor is it possible for a substance to be a transient cause of any of its modes because the substance is not a mode; a substance immanently causes all its modes. Since a retrospective series of transient causes is infinite, no prominent member of the series, such as the Big Bang, can be the first (transient) cause. See Spinoza, *op. cit.*, Pt. I, prop. xviii (p. 59).

<sup>10</sup>*Tao Te Ching*, verse 16.

and as a complete whole.<sup>11</sup> His concept of highest good must have arisen from the reflection upon his own and other people's pursuit of happiness. Calling happiness the highest good expresses an evaluation of happiness as the worthiest object of human pursuit. The fundamental premise of Aristotelian ethics thus is that all humans pursue happiness and that in that pursuit they judge it worthy of being their moral end. Aristotle provides a metaphysical justification for this judgment. Happiness in his conception requires moral and intellectual virtues as its constituent parts. Such virtues are realizations respectively of practical and theoretical reason, both of which are dimensions of the human essence. The final cause, purpose, of human existence is to fully realize the species essence of humans. Attainment of happiness that includes moral and intellectual virtues is the natural end of humans—end that they, if unimpeded by accidents, would attain. For Aristotle the moral end and the natural end of human substances are the same.<sup>12</sup> But their identity is asserted not dogmatically but with explanation. The concept of final cause, at least as applied to humans, is a moral concept as well. A non-metaphysical form of eudemonism in which happiness is conceived simply as optimal satisfaction of inclinations encounters the criticism that the conceptual gap between what “is” sought by all humans and what they “ought to” seek remains unfilled. Kant among its critics is known to argue that the satisfaction of non-rational inclinations cannot possibly be the moral end of humans and that bringing their subjective volition to objective rational form is their only moral end. Humans, essentially but not completely rational beings, subjugate their empirical nature to the law that as rational beings legislate.

Non-action in Taoism is not even a universal natural end like happiness in Aristotle—something pursued by all, for its own sake, unconditionally and a complete whole. A Taoist would therefore have to stress that an experience of non-action incorporates a metaphysical interpretation of it as manifestation of harmony with Tao, a judgment that it is the worthiest object of pursuit, a felt disposition to pursue it, and an impetus to persuade others to do so as well. The metaphysical account of non-action, though not an independently established ground of the normativity of non-action, shapes the experience just as Aristotle's metaphysics of essence as final cause shapes the pursuit of happiness. Even closer but surprising analogues of Taoism are the philosophies of Schopenhauer and Nietzsche, who both subscribe to metaphysics of immanence. Schopenhauer's metaphysics of Will supports ethics of renunciation of will to live and compassion for those who suffer from the pains of the struggle for survival in ignorance of the inanity of the struggle.<sup>13</sup> Nietzsche, who inherits Schopenhauer's metaphysics of immanence, uses it to support an ethics of will to power. Humans originally and naturally will power. But they come to deny power

---

<sup>11</sup>Aristotle, *Nicomachean Ethics*, tr. W.D. Ross, in Richard McKeon (ed.), *op. cit.*, Bk I: Ch. 7, 1097<sup>a</sup>-1099<sup>a</sup>, pp. 941-944.

<sup>12</sup>Aristotle, *Metaphysics*, tr. W.D. Ross, in Richard McKeon (ed.), *op. cit.*, Bk. IX: Ch. 7, 1049<sup>a</sup>, p. 827.

<sup>13</sup>Arthur Schopenhauer, *The World as Will and Idea*, abridged in one volume, ed. David Berman, tr. Jill Berman, London: J. M. Dent; Vermont: Charles E. Tuttle, 1995. Bk. 4, pp. 254-262.

and suppress will to power through the psychological mechanism of *ressentiment*, which essentially is fear of failing to attain power and losing the struggle for dominion. The human destiny is to restore human authenticity by reaffirming power as the object of will and making the affirmation unconditional by acceptance of the eternal recurrence of the world.<sup>14</sup> In assessing Schopenhauer and Nietzsche comparatively, can one say that the concept of Will as the metaphysical principle of phenomenal being and becoming supports this or that ethics? The answer should be no. Meanings of descriptions like “The Will,” “*Deus sive Natura*,” “Logos” or “Tao” that go beyond the bare idea of *that which immanently grounds all phenomenal being and becoming* are speculative constructs internal to the ethics needing justification.

## II. Confucian Ethics

The fact that two ways of thinking about human morals as radically different as Confucianism and Taoism could simultaneously arise in the same age in the same cultural milieu should signify the freedom of thinking people to construct diverse thought structures if not confirm the Hegelian thesis that a theory must necessitate the rise of its opposite. This point seems to be confirmed also by the flowering of diverse philosophical schools in Greece and in India in the 6<sup>th</sup>, 5<sup>th</sup> and 4<sup>th</sup> centuries B.C.E., part of the period that Karl Jaspers calls the Axial Age.<sup>15</sup> One who approaches Confucian thought with a conventional expectation to learn how a theory of human nature here is thought to ground normative ethics must be surprised to be informed that such theory lacks relevance in the justification of ethical norms. Since Confucius expresses general skepticism about the possibility of metaphysical cognition, his claim about the irrelevance of a metaphysical theory of human nature in the ethical context should not be surprising.<sup>16</sup> But Confucius seems to deny even the relevance of empirical theory of human nature as justificatory ground for ethics. Does he then mean that normative ethics needs no justification? An affirmative answer would be premature. A theory of human nature and patterns of human behavior prior to the species’ entry to civil state and/or a theory about the congenital qualities, dispositions and powers of human individuals before their socialization would by no means be easy to construct or confirm but should certainly be possible and significant. Such a theory would inform us of human abilities and limits, hence set a range of norms that can reasonably be prescribed for the human individual and human society. A

---

<sup>14</sup>Richard Schacht (ed.), *Nietzsche Selections*, New York: Macmillan Publishing Co., 1993. “On the Genealogy of Morals,” Sec. 10, p. 235. Also *The Gay Science* (1882), with important supplements to the second edition (1887), trans. Walter Kaufman, New York: Vintage, 1974, p. 341.

<sup>15</sup>Karl Jaspers, *Way to Wisdom* (New Haven: Yale University Press, 1951), p.36: “... In the years centering around 500 B.C. -- from 800 to 200 -- the spiritual foundations of humanity were laid simultaneously and independently in China, India, Persia, Palestine and Greece. And these are the foundations upon which humanity still subsists today. ...”

<sup>16</sup>*Confucian Analects*, 2:16 (p. 22); 7:19, 20 (p. 50).

Confucian claim that even such theory is not of relevance in the justification of moral norms would be surprising and provocative. Confucius probably was skeptical about knowing human nature, metaphysical or otherwise.

A positive Confucian thesis behind the negative claim is that tradition, not human nature in the phylogenic or ontogenic sense, should be a proper reference in a discourse on the justification of norms. The dictum “Honor the old and then know the new” compresses a theory of inquiry and its ontological presupposition.<sup>17</sup> A human inquirer is not a subject confronting the object only with native cognitive competences but a social being situated in and shaped by history. He or she has a given social, political, economic and cultural identity, with shared time-tested beliefs and values supported by shared reasons. Though this should not mean that innovation is impossible, it means that a reflective and critical processing of established beliefs, values, norms, and practices can be undertaken only with resources available in the same tradition. Confucian hermeneutics may be contrasted with Protagorean conventionalism. The Protagorean fragment “Man is the measure of all things”<sup>18</sup> does not mean the same thing as the Confucian dictum. Protagoras seemingly stands outside conventions and proclaims their relativity, implying freedom to take an objective perspective on the relative. And there is no indication that the proclaimer identifies with and honors any one of them. Protagoras, in his dialectical encounter with Socrates imaginatively reconstructed by Plato in the Dialogue named after him, is caught in a paradox of making presumably objective knowledge claims or objective value judgments.<sup>19</sup> On the other hand the proclaimer of the Confucian dictum honors a tradition as the best support for judgments of truth and universal validity, no doubt with realization that a gap must persist between truth and what tradition approves. The Mandate of Heaven Confucius speaks of may be interpreted to be the moral law

---

<sup>17</sup>*Confucian Analects*, 2:11: “...Be thoroughly versed in the old, and understand the new—then you can be a teacher” (p. 21). “Honor the old” (my translation) seems to capture the intended meaning better. 7:1: “...A transmitter and not a maker, trusting in and loving antiquity, I venture to compare myself with Old Peng” (p. 48). There is an interesting exegetical question here: Does the old contain the new as a Hegelian might say or ground a search for the new? This question will generate considerable epistemological debate.

<sup>18</sup>Philip Wheelwright (ed.), *The Presocratics*, Upper Saddle, New Jersey: Prentice Hall, 1997, p. 239. The full fragment is “Man is the measure of all things: of things that are, that they are; of things that are not, that they are not.” A reasonable interpretation is: the criterion for what things are and that for their existence are human constructs. “Human constructs” may mean “constructs of human individuals,” “constructs by human cultures” or “constructs by the human species.” Under the first two interpretations the Protagorean fragment implies epistemologically troublesome forms of relativism. Species relativism that the last interpretation implies is epistemologically innocuous as it allows species consensus on norms. Protagoras most likely was a cultural relativist.

<sup>19</sup>Assuming that Plato the author of the Dialogue *Protagoras* knew that the fragment was attributable to Protagoras, Plato must clearly have had polemical intent in describing the character as making the objective didactic claim to know the nature of justice or making objective value judgments.



and the Way may be interpreted to be the ideal shape of society ordered by the Mandate. But they should be understood to be intended from inside a tradition. Experience, thinking, reasoning and intuition serve knowledge of the Mandate and realization of the Way but judgments coming from them should be first weighed against the relevant elements of tradition.<sup>20</sup>

An examination of the normative substance of Confucian ethics is in order. At its basis is a pair of obligations for all human beings: filial piety and deference to the older. Biological relationships are interpreted as integral aspects of social and political ones and the latter are conceived with attendant obligations. An interpretation generally is not necessitated by any features of its object but it is a choice of one of possible options by the interpreter. Plato envisioned an ideal state where *paideia* is a responsibility of the state. Filial piety definitely is not a moral obligation there. China under Mao Zedong recognized no obligation including filial piety that supersedes loyalty to the Party. The legendary practice in 19<sup>th</sup> century Japanese village of Narayama of abandoning elders reaching age seventy at a mountain to die can have historical realizations with an ethical rationale that can be interpreted to be a mix of Darwinism, communitarianism and utilitarianism.<sup>21</sup> And it is only a historical contingency for a society to be governed by a monarch, so that loyalty toward one's monarch is a contextual virtue also. The basic obligations are the distillates of attitudinal responses of a specific society toward basic relationships it has established and endorsed.

The virtues *jen* (humaneness), *i* (righteousness), *li* (propriety), and *chi* (wisdom), seemingly intended to be universal virtues for people in any tradition, should be understood to be molded and sanctioned by tradition. Instead of being one virtue among many, humaneness comprehends them all: to be humane is to be how humans should be. But what is it to be humane? Humans existing in civil society have a history with identities determined by their social relationships, positions and roles. The affective substance of humaneness such as sympathy, benevolence and concern for fellow humans can become a virtue only by being shaped by a sense of righteousness and refined by rules of propriety. We may interpret the human virtue to be a unity of humaneness as the matter, and righteousness and propriety as the form. Just as humane affection needs a proper form of expression, so formally righteous and proper behavior needs to be authentic by expressing a genuine humane feeling it is meant to express. The comportment of a virtuous person takes on the character of a

---

<sup>20</sup>It is a mistake to think that neither the objective nor the universally valid can be preserved if they are thought to be determined by the consciousness that intends them and knowable only by the epistemic rules it sets. Kant's transcendental idealism and Husserl's phenomenology both hold that the objective and the universally valid are possible only through their subjective determination. There is no evidence that Confucianism is a subjective relativism. Though tradition is not readily comparable with transcendental subjectivity, it can be viewed as having constructive functions such as the latter has.

<sup>21</sup>The Ballad of Narayama," a film directed by Shohei Imamura, recipient of the Cannes Palme d'Or (1983), based on a story by Shichirō Fukazawa.

choreographed social ritual with beautiful appearance. Confucian wisdom is the excellence of ratiocinative functions serving an optimal harmony among all elements of virtue but such functions, instead of being applications of abstract rules, appropriate the lessons of the distilled content of tradition.

### III. Comparative Critique

I will try to bring to sharper focus the differences between Taoism and Confucianism on the justification of moral norms. Problems that can be seen to be common to them should merit special attention. Taoists may initially appear to have an epistemological advantage of receiving support of experience and thought with no cumbersome hermeneutics of tradition. For them there is a privileged mode of being and thinking, the non-active mode, with a perspective open for universal truths and universally valid norms. This mode presumably is attained by only a few but the value and normative force of non-action is universal for all humans regardless of their historical, social and psychological differences. The experience of non-action carries a subjective sense of rightness, which in turn motivates an understanding that non-action manifests harmony with Tao. But since there is no criterion for judging that harmony with Tao has been achieved apart from an experience of non-action with subjective approval and metaphysical interpretation accompanying it, the metaphysics of Tao and harmony with it cannot non-circularly justify the ethics of non-action. Moreover, what initially appears to be an epistemological advantage of Taoism is subject to a Confucian critique of considerable polemical weight. The Taoists at this point may recognize a need for constructing a justification for their normative ethical claims with considerations free of metaphysical references. A foreseeable problem is that such considerations should either justify and/or should be justified by the metaphysical considerations.

The Confucian obligations associated with the basic social relationships are ones that have attained normative status through society's approval of them over time, which is a contingent convergence of countless people interacting in dynamically complex ways. A society's honoring of its tradition does not result from an objective external evaluation of the old but it is an ethos people immersed in the tradition have developed. This can be taken to mean that appeal to tradition, like the subjective conviction of being in harmony with Tao in the state of non-action, is a limit to justificatory process. To do their best justice to the felt demand for universality Confucians may say that humans have common natural faculties such as benevolence, sense of right, sense of propriety and ratiocinative ability that collaborate to help recognize the basic obligations. But they should acknowledge that faculty psychology and ethical theory based upon it are themselves products of tradition. Theories in general arise as a result of intellectual interaction among theorists with diverse interests including but not exclusively knowledge of truth. In a justification for any theory a Confucian theorist would have to include a narrative of its history and explanation of how the dispute on the theory's topic culminated in its general acceptance. Doing so is an aspect of honoring the old.

It is unreasonable for anyone including Taoists to deny that a theory is produced in some tradition. But what epistemological implication this has is by no means clear. Is the apparent advantage of Confucianism firm? It takes considerable historical time for a tradition having orthodox beliefs, values, norms and institutions to arise and consolidate. And more than one tradition can arise out of the same cultural maelstrom. The factors that contribute to the formation of a tradition or traditions include discourse among the holders of divergent positions using arguments appealing to norms, epistemic as well as moral. Not all such norms can be backed by already established traditions. At their phylogenic origins norms cannot have had the backing of a tradition; some of them may possibly be innate. Besides, even an established tradition can hardly eliminate all considerations and arguments over which its builders prevailed. Some of them can reemerge to challenge parts or the whole of the tradition, with resulting revisions of the tradition or even its revolutionary dismantling. In controversies within the same tradition, a claim to represent its orthodox line or a reformist position may appeal to intuition and reasoning thought to transcend the traditional mode of thinking. Confucius's saying "If I hear Tao in the morning I can gladly die in the evening"<sup>22</sup> may be interpreted to mean that reflective critique and apologetics that follow the establishment of a tradition cannot suffice for conclusive justification of its orthodoxy and that direct insight about truth is available though rare. And even if insight comes to one with a conviction that it captures the truth there arises a new task of showing the conviction to be correct. A crucial point to be made is that the explanation of the possibility of the formation of a tradition and subsequent intentional changes requires admission of cognitive competences and norms regulating cognitive activity prior to its formation or independent of a formed tradition. The claim that once a tradition is established its norms should never be challenged is an ideological one with questionable justification.

The rhetoric each of Confucianism and Taoism may exceed proper limits. It is as implausible for Confucians to argue that norms are valid if and only if they are approved by tradition as it is for Taoists to argue that an appeal to tradition has no place in justificatory discourse on norms. A fair middle would be the acceptance by both parties of the relevance of reason and experience as well as appeal to tradition in the justification of beliefs and norms. The apologetics for Taoism would certainly be aided by a broad consensus through time as the normative claims of Confucianism, at least some, would receive support from arguments appealing to intuition or reason.<sup>23</sup> The position that there is irreconcilable opposition between reason and experience on the one hand and tradition on the other is ontologically incorrect. A tradition is constructed by a human collective. The wherewithal of such construction must involve natural faculties and their functions. Denying this would imply a false image of human as a *tabula rasa* that can contribute nothing to the genesis of culture or a

---

<sup>22</sup>Confucian Analects, 4:8, p. 114.

<sup>23</sup>Tradition stores not only judgments that, once established by reason and/or experience, are capable of reconfirmation if needs be but also judgments that were included in the tradition on grounds now lost. Both kinds of judgments can be referred to in a justificatory context in arguments from tradition.

tradition. Equally incorrect is the view that because a tradition is humanly made its effect can be as easily prevented from influencing the operations of the faculties that went to its building as allowed to keep influencing them. The power of tradition comes in significant part from the value conferred upon it as an objective monument to its builders' creativity. While both the Taoists and Confucians can and must share a descriptive knowledge of the ethical legacy of the society in which they co-dwell, their reflective thinking upon it take different directions. For the Taoists truth would have to be disclosed through a deconstructive critique of the legacy while the Confucians would expect to find truth within its boundaries. A hope is that their ways may circle to converge.

Existentialists might at this point say that Taoism and Confucianism both exemplify modes of existence that can be chosen. But the existentialist account is simplistic and phenomenologically untrue. Neither Taoists nor Confucians could honestly confirm that they have freely chosen their theoretical stance from among options. Taoists would testify to being passively taken out of the boundaries of their personal subjectivity into a flow of cosmic force. Acceptance of ethics based on such experience cannot be correctly described as free choice. Confucians would have to testify to happening to exist in a structured society, to be educated in Confucian ethics, to be disciplined to practice it, and to have developed a character exemplifying Confucian virtues. Going through such a process resulting in the building of a Confucian character cannot be properly described as free choice. Let us note here that a Confucian society is a stratified system so that exemplifying the ideal mode of being is a contingent privilege for fortunate elite. The virtue of harmony with Tao by contrast is conceived as a universal human possibility. But its achievement, Taoists could not deny, would be a lucky contingency. There is a semblance of freedom in a person's being a Taoist sage or a Confucian gentleman in that being either is a historical chance. This means, among other things, that part of the explanation of the given moral state of humans is that a contingent set of historical conditions, antecedent and coexistent, contributed to its emergence. But there is no immediate implication that the given human actuality totally excludes individual spontaneity, creativity and freedom. Discourse about freedom often ignores that freedom is gradable, with the number of electable options as a dimension of its strength. Sartre held that humans are condemned to be free; even a convict being led to the guillotine would have the option of dying bravely or pitifully emoting to death.<sup>24</sup> But Sartre should admit that the condemned person's freedom, by one clearly relevant measure, is near zero. Another dimension of the grade of freedom is the ability to choose, given the available options. Descartes states that humans are finite in all respects except in freedom, that their freedom is as infinite as God's.<sup>25</sup> Descartes would be wrong either

---

<sup>24</sup>J.-P. Sartre, *Being and Nothingness*, tr. H.E. Barnes, New York: Philosophical Library, 1983, p. 631.

<sup>25</sup>René Descartes, "Meditations," tr. Laurence J. Lafleur, in *Discourse on Method and Meditations*, The Library of Liberal Arts, Indianapolis and New York: The Bobb-Merrill Co., 1960. "...if I consider my faculty of conceiving, I [immediately] recognize that it is of very small extent and greatly limited; and at the same time there occurs to me another idea of

if he thinks that elective ability is an absolute, not allowing gradation or if he thinks that human freedom of choice, though allowing gradation, is infinite. Leibniz suggests a measure for elective ability. God for Leibniz is infinitely free—as free as any being can possibly be, because: God comprehends all options; God evaluates all; God knows which one is the best; God chooses the best; God’s choice is efficacious in that it is necessarily realized. Humans, finite beings, he implies, can have only limited elective ability, if any, because: they do not know all their options; their deliberation is limited in scope and thoroughness, eventuating in no clear judgment as to which of the known options is the best; they do not necessarily choose the best; their choice may fail to produce result.<sup>26</sup> But the view that humans exist with freedom, limited as it may be by natural and historical conditions with respect to electable options and by internal psycho-physical conditions affecting their elective ability is the least controversial presupposition for a discourse on human morals. This view can be, and has been, disputed. Spinozistic or theistic pre-determinists and hard determinists of scientific temperament would argue that options and ability to choose from among them are illusions. But if they indeed are illusions they must be initially admitted as phenomena to be theoretically negated. We are here reminded of Kant’s view that a being that cannot act without thinking itself free is free in the relevant, that is, practical sense.<sup>27</sup> Conducting a discourse on the justification of moral norms is as concrete a way of acting as any other.

Freedom presupposed does not include freedom from the responsibility of justifying an ethical theory opted for. Understanding a norm as that which justifies generates a question whether what justifies needs justification. There is no a priori truth that what justifies cannot be justified in turn or need not be justified. A reasonable person must therefore be motivated to ask, given a norm, what justification, if at all, is available for it. Instructive is Aristotle’s point that the law of excluded middle, a fundamental law of logic, being one of the basic presuppositions of deduction, cannot be deductively justified but calls for justification and is capable of dialectical justification, the point of which is that without its being followed no meaningful, let alone useful, communication would be possible.<sup>28</sup> Aristotle, who considers some truths intuitively evident, does not try to settle the issue of justification for the law of excluded middle by pronouncing it intuitively evident. If a principle needing justification is not a principle of logic, a claim to its intuitive evidence becomes even more problematic. Norms are not definitions or logical

---

another faculty [free will, *my addition*], much more ample...even infinite, and from the very fact that I can imagine this...that it belongs to the nature of God,” “Fourth Meditation” (p. 115).

<sup>26</sup>G.H.R. Parkinson (ed.), *Leibniz Philosophical Writings*, London: J.M. Dent & Sons, Ltd., 1973, “Monadology,” Sec. 48, p. 186.

<sup>27</sup>Immanuel Kant, “Foundations of the Metaphysics of Morals,” in Lewis White Beck (ed.), *Kant Selections*, New York: Macmillan Publishing Co.; London: Collier Macmillan Co., 1988, P. 296.

<sup>28</sup>*Aristotle, Metaphysics*, in Richard McKeon (ed.), *op. cit.*, Book IV, Ch. 7, 1101<sup>b</sup>-1012<sup>b</sup>, 749-750.

implications of definitions but must be synthetic. The supreme principle of morality, Kant thought, requires a “deduction” (his word for “justification”) that involves as complex a project as a critique of pure practical reason. Without dogmatically settling on a single formula for norm justification, we could agree that there are no moral norms so evident as not to call for justification and that even a proffered mode of justification is not immune to critique. Kant would not have denied that even his critique of practical reason would fail to close further critical discourse.

The situation with Taoism, as was pointed out earlier, is such that the Taoist ethics of non-action cannot be adequately justified by the argument that non-action is the experiential manifestation of harmony with Tao inasmuch as non-action with its subjective approval is the only available criterion for harmony with Tao. Yet the reference to the metaphysical layer of Taoist thought is not totally vain in that the layer structures and qualifies the moral experience and thought. Describing non-action as manifestation of harmony with Tao is experientially different from describing it as obedience to a divine injunction. Two distinct views of metaphysical schemes are possible. According to one, a metaphysical scheme is constructed a priori and then its experiential consequences are drawn; according to the other view such a scheme arises as an interpretation of experience and in turn explains and qualifies the experience. In other words, metaphysics, including metaphysical talk, is integral part of experience. The second interpretation is proper for the metaphysics of Tao as well as for Aristotle’s. The problem of justifying Taoist ethics thus comes to that of justifying the whole structure of thought that comprehends both its ethical and metaphysical layers. The question how the metaphysical layer justifies the experiential layer of Taoism should yield to the more important and difficult question whether and how the whole structure can be justified by an external consideration. The Confucian idea of “the old,” what tradition keeps, values and defends, plays a role of qualifying the substance of tradition similar to the qualifying role Taoist metaphysics plays. An experience of being bound by an obligation that tradition mandates is qualitatively different from an experience of being bound by one that is divinely mandated on pain of divine retribution. But moral experience qualified by metaphysics or moral practice shaped by tradition both beg external justification.

#### IV. Conclusion: Toward an Art of Comportment in the Interstice

There is no ethical system that is globally accepted. The difficulty of establishing the universal validity of ethical norms is due in significant measure to the fact that such norms must be reflectively intended for those who prescribe them as well as those they consider akin in the morally relevant respects.<sup>29</sup> Normative ethics thus presupposes a conception of the moral community in which the prescribers of the

---

<sup>29</sup>A person or a human collective may prescribe norms to people from whom they differentiate themselves, as slave holders may prescribe such to their slaves. But the norm givers must have norms they consider binding upon themselves. As moral beings they must consider if their prescription of norms to the other is at least consistent with the norms they accept as theirs.

norms implicitly or explicitly include themselves. Moral subjects and agents must view themselves as moral legislators and as targets also. Needless to say, Taoists and Confucians must have different ideas of a moral community, as must Aristotle, Aquinas, Hume, Kant and Mill. Ethical discourse cannot avoid addressing the differences among moral subjects' self-conceptions and the possibility of unifying or reconciling them. There is no sufficient evidence that all or even most of the moral subjects want reconciliation among conflicting theories of being human, or that even if they have conciliatory disposition reconciliation can be achieved. It is a moral point in itself that when moral subjects disagree on issues as fundamental as their own nature, condition or destiny, a discourse should yet be sustained and continued even if it apparently is to little avail, that maximum efforts should be made to use no means of persuasion other than discourse despite impatient will to achieve uniformity. A continued discourse within a tradition is expected on such issues as justification of norms or the credentials of the justifying grounds. But the intensity of reflective discourse within a tradition cannot win for it authority in inter-traditional, especially, inter-cultural discourse. A conclusion which acknowledges limits to a desirable resolution of the conflict between the types of theory Taoism and Confucianism respectively exemplify, between reliance upon experience and thought on the one hand or a reliance on tradition on the other, must disappoint some. Instead of taking this conclusion as an admission of defeat, however, we may take it as a valuable moral lesson that civil discourse is the only decent way of handling differences and conflicts among moral subjects and communities who address some of the ultimate issues that humans confront, that it is more important for culturally and ethically diverse humans to interact with mutual respect, mutual tolerance at least, than trying to force acceptance of their own norms. What humans need is not so much a universally shared ethical theory as an art of living in the interstice of diverse moral systems. Human existence and consciousness are simultaneously in and beyond ethics. Different sets of moral issues arise at different levels of structural complexity—personal, social, national, international, intercultural and inter-civilizational. We may hear it said that beyond certain levels of structural complexity moral issues yield to the political. But this statement is misleading in implying that political issues are not moral. We need to be reminded by Aristotle that politics is the culmination of ethics. In a conversation with Zulu about the character of a gentleman Confucius says: "He trains himself to be respectful...He trains himself to give ease to others...He trains himself to give ease to all men and women."<sup>30</sup> Here Confucius implies that person's moral development proceeds from a personal phase to social and political phases. For him, as for Aristotle, a person's moral potential can be realized fully only in political life.

---

<sup>30</sup>*Confucian Analects*, 14:44 (p. 103).

## References

- Beck, Lewis White (ed.). 1988, *Kant Selections*. Macmillan Co., New York; Collier Macmillan Co.
- Hamilton, Edith and Cairns, Huntington (eds.). 1964, *The Collected Dialogues of Plato*. Bollingen Foundation, New York.
- Heidegger, Martin. 1962, *Being and Time*. Tr. John Macquarrie and Edward Robinson. Harper and Row, New York.
- Imamura, Shohei (Director). 1983, "The Ballad of Narayama." A film based on a story by Shichirō Fukazawa.
- Jaspers, Karl. 1951, *Way to Wisdom*. Yale University Press, New York.
- LaFleur, Laurence J. (ed.). 1960, *René Descartes Discourse on Method and Meditations*. The Library of Liberal Arts. The Bobb-Merrill Co., Indianapolis and New York.
- McKeon, Richard (ED.). 1941, *The Basic Works of Aristotle*. Random House, New York.
- The New Annotated Oxford Bible*, 3rd ed. New Revised Standard Version. 2001. Oxford University Press.
- Parkinson, G.H.R. (ed.). 1973, *Leibniz Philosophical Writings*. J.M. Dent & Sons, Ltd., London.
- Sartre, Jean-Paul. Translated by Barnes, H.E. 1983, *Being and Nothingness*. Philosophical Library, New York.
- Schacht, Richard (ed.). 1993, *Nietzsche Selections*. Macmillan Publishing Co., New York.
- Schopenhauer, Arthur. 1995, *The World as Will and Idea*, abridged in one volume, ed. David Berman; tr. Jill Berman. J. M. Dent, London; Charles E. Tuttle, Vermont.
- Spinoza, Baruch de. 1949, *Ethics*. Edited by James Gutmann. Hafner Publishing Co., New York.
- Watson, Burton (tr.). 2007, *Confucian Analects*. Columbia University Press, New York.