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# Virtue Ethics, Rule of Law, and Self-Restriction

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## 1. Introduction

It is a provocative coincidence that 1958 saw the publication of both Elizabeth Anscombe's "Modern Moral Philosophy," an essay widely seen as initiating the revival of Western philosophical interest in virtue ethics, and the "Manifesto to the World's People on Behalf of Chinese Culture," a jointly-authored argument that Confucianism was still alive and had much to offer to the world. A great deal of research and debate has flowed from each of these sources over the last half-century, but so far there has been very little dialogue between modern Western virtue ethics and modern Confucianism.<sup>1</sup> Scholars of ancient Confucianism have begun paying considerable attention to analogues within the Western virtue-ethical tradition, and some contemporary Western virtue ethicists have begun to draw on early Confucianism, but contemporary Confucianism has been largely absent from these conversations.<sup>2</sup> The reasons for this absence are not hard to discover, but it is nonetheless unfortunate because one of the topics about which contemporary Confucians have debated most thoroughly—the relations among ethics, politics, and law—is among the areas about which Western virtue ethicists have had the least to say.<sup>3</sup> The thesis of this essay is that anyone interested in the political philosophy that correlates with or grows out of virtue ethics has much to learn from modern Confucians, and in

particular that Mou Zongsan's idea of self-restriction, suitably modified, should be central to any plausible contemporary virtue-based politics.

All Confucians recognize the importance of cultivating both “inner sagehood” (*neisheng* 內聖) and “outer kingship” (*waiwang* 外王). Most Confucian philosophers have taken these two dimensions to be intimately related, though the details of the relationship vary. After the collapse of traditional Confucian educational and political institutions at the beginning of the twentieth century, the need for and nature of a “new outer kingship”—which I will loosely render as “new politics” hereafter, because no one today is calling for a revived monarchy—became apparent. Mou Zongsan (1909-95), the most important twentieth-century Confucian philosopher, devoted considerable ingenuity to showing why the new politics that would be derived from Confucianism's core ethical commitments needed to be democratic. At the core of his argument is the idea that individual ethical judgment needs to “restrict itself,” thus providing a kind of independence for political and legal authority, in order for the ultimate attainment of virtue to be possible. Mou's position has been criticized from at least three directions. Some find the metaphysical basis for Mou's argument to be implausible or mysterious.<sup>4</sup> Others believe that Confucianism should primarily be confined to ethics, which can be shown to be compatible with democratic politics and the rule of law, to which (these authors argue) we should be committed for independent reasons.<sup>5</sup> A third group, finally, argues that Confucianism's new politics should not be derived from the inner needs of ethics, but rather from an updated version of past Confucian institutions; these thinkers tend to be much more critical of liberal democracy than either of the other two groups.<sup>6</sup>

Although the debates just sketched will be in the background of the present essay, my primary interest here is less in defending Mou's position than in showing that contemporary

Western virtue ethics both can and should learn from the idea of “self-restriction.” The need for self-restriction emerges from two observations with which most virtue ethicists would agree: first, that ethical judgments are particularistic; and second, that political and legal norms are general—that is, applying to general types of situations, perhaps within a state or perhaps universally. If one further holds that the ethical and the political/legal should each have a distinctive kind of authority, then one has to explain how these types of authority are related and what happens when they conflict. Given the distinction between particularistic and general judgments, the need for distinctive kinds of authority seems clear. Suppose you are stopped by a police officer for speeding. You expect to be subject to a general rule rather than a situation-specific judgment, which in any event would be unmanageable. (How urgent is your errand? How skilled a driver are you? How tired? How much other traffic? And so on.<sup>7</sup>) I will argue, though, that providing the needed independence for political/legal authority is actually quite difficult.<sup>8</sup> Accordingly, the next section will examine the relations found between ethics and law in two of the key sources of Western virtue ethics today, namely Aristotle and Hume. I will argue that for both philosophers, problems emerge when we look closely at the balance between the centrality of virtue and law’s importance as a distinct source of authority. In section 3, I will present Mou’s self-restriction theory in more detail. Crucially, I will argue there that the significance of the idea of self-restriction for politics and law can be appreciated without taking on Mou’s entire metaphysical picture, and this opens up space for Mou’s insight to be appropriated by virtue ethicists. In section 4, I will briefly summarize the prospects for constructive dialogue between modern Confucianism and contemporary Western virtue ethics that emerge from seeing the ways in which the heirs of Aristotle and Hume need the idea of self-restriction.

## 2 Aristotle and Hume

While there is ongoing debate over the precise shape of the ethical theories of both Aristotle and Hume, there is little doubt that the two philosophers have served as major sources for contemporary virtue ethics in the West. Anscombe's inspiration, of course, was Aristotle, and Aristotle has continued to be crucial for the majority of virtue ethicists. The role of Hume (and others, from Plato to the Stoics to Nietzsche) has also been very important both because of specific insights that Hume (and the others) have brought into contemporary discussions, and for three more programmatic reasons. First, more voices in the conversation means more dynamism, more opportunities to connect to other trends in philosophy (such as connections to empirical psychology), and the potential for more synthetic, robust, contemporary views. Second, the more diverse debates have also made it clear that virtue ethics is still maturing and growing: it is not just a matter of fine-tuning Aristotle. Third, as virtue ethics has become more pluralistic, it has thereby opened itself to productive interactions with philosophical traditions outside the West. If "virtue ethics" just means "Aristotle," then the suggestion that Confucianism, say, is a form of virtue ethics sounds like an equation of an entire tradition of reflection with one Western philosopher. If virtue ethics itself is much broader, though, then thinking of Confucianism as further broadening and contributing to the category of virtue ethics makes more sense.

The burden of this section of the essay is to suggest that the relation between ethics and law is both important to the various founders of Western virtue ethics—represented here by Aristotle and Hume—and yet remains something of a problem. The details of the problems depend on how, exactly, one understands Aristotle and Hume, so my discussion will necessarily

involve some attention to interpretive disputes. I will argue that the idea of self-restriction is relevant to resolving tensions that emerge no matter which interpretation we adopt.

There is considerable scholarly consensus that Aristotle's ethical and political philosophy are closely related to one another, and even that the *Nicomachean Ethics* and the *Politics* should be read as completing one another. Just how the individual virtue that dominates so much of the ethics is supposed to relate to the laws whose establishment is the central purpose of politics, however, is much less clear. I will sketch three positions: Jiyuan Yu's view, which leans toward emphasizing the ethics; Stephen Buckle's view, which leans toward the laws; and Jill Frank's dialectical view. My goal is not to determine which is the best interpretation of Aristotle—though my sympathies lie with Frank—but rather to argue that on all three of these interpretations, Aristotle (and thus also many contemporary Aristotelians) faces a philosophical difficulty that the idea of self-restriction can help to resolve.

Jiyuan Yu's reading of Aristotle is centered around the ideas of human good and virtue. He stresses that there is some relativity of these notions to “the historical or cultural background...that the agent internalizes in the process of habituation.”<sup>9</sup> Still, the *ethos* of a given society is subject to improvement insofar as it does not produce excellence and flourishing (in its terms), and here the laws (or *nomoi*) have an important role to play.<sup>10</sup> Yu writes that according to Aristotle:

There are two kinds of laws. One is designed to curb wrongdoing through fear of punishment, and the other aims to bring about the human good and to foster a better way of life. Aristotle believes that the aim of the lawgivers should be the second kind of law, that is, to “stimulate men to virtue and urge them forward by the motive of the noble.”<sup>11</sup>

Thus, laws can play an important role in achieving the ultimate human end. Nonetheless, laws have various limitations. They speak only in general terms, and thus can be deficient with respect to particular cases, and Aristotle also suggests that not everything can be encompassed under the law.<sup>12</sup> This is not to say that rule by man is automatically preferable to rule by law; under circumstances of rough equality in virtues, Aristotle prefers rule by law because of its impartiality, which helps to constrain the effects of the passions which regularly “pervert the minds of rulers.”<sup>13</sup> If there should be one man or family who is superior to all in ethics and intellect, though, then this paragon should rule alone, relying on his own judgment, not bound by any law; he provides the law himself.<sup>14</sup> The picture we get from Yu, in short, rather clearly sees law as a necessary corrective in most actual situations, but seemingly always subject to limitations. Rule of law may often be the best option, but law is not an end in itself: it aims to promote virtuous, flourishing individuals and society—that is, the human good. Yu does note in passing that Aristotle at one point identifies virtue in general (that is, universal justice) with the lawful, but he glosses this by stressing that moral education should be the subject of our concern for law.<sup>15</sup>

According to Stephen Buckle, Aristotle’s ethics is much less congenial to virtue ethics than has been commonly supposed. In fact, Buckle argues that Aristotle gives us a “law conception of ethics,” albeit not exactly in the sense in which Anscombe criticizes modern moral philosophy.<sup>16</sup> Buckle emphasizes the connected projects of the *Nicomachean Ethics* and the *Politics*, saying that the enquiry into the good for man “finds its completion” in the latter. Insofar as virtue ethicists believe that “we should live according to virtues rather than rules or obligations,” and that a “focus on character can replace...reference to acting rightly or wrongly,” then they should actually find Aristotle uncongenial, because rules, obligations, and acting

rightly are all important to him.<sup>17</sup> Some of Buckle's evidence comes from the fact that the idea of good actions seems to be conceived "independently" from the virtues of character, and instead to find its "proper home within a framework of laws."<sup>18</sup> He also argues that the virtues of character should be understood as traits associated with the "non-rational part of the soul, and therefore the virtues of that part [are] properly directed by reason."<sup>19</sup> Even within the virtues of character, Buckle maintains that modern virtue ethicists have missed the significance of justice as both the most important virtue, and the one most akin to law. Buckle concludes that for Aristotle, developing in ourselves the virtues is not the whole of living well: "to live well also requires that we live according to laws, and that the best life is that in which, with others, we make and also subordinate ourselves to laws, and so fulfill our nature as political beings."<sup>20</sup>

Statements like "to live well also requires that we live according to laws" might admit of a weaker interpretation than Buckle intends. After all, Yu also noted the unity of the *Ethics* and *Politics*, and also acknowledged the importance of laws, although mainly in the service of virtue. In a moment, we will consider Jill Frank's position, according to which virtues and laws are mutually constituting. For Buckle, though, law really has pride of place. He argues that for Aristotle, unlike most modern virtue ethicists, the traits or reactions of the virtuous agent are not the ultimate standard for action: "the reason why [Aristotle] affirms that 'virtue and the good person seem to be the standard' is because they are the standard *for us*, the imperfectly rational beings that we are."<sup>21</sup> Ethics and politics for human are inexact because we are flawed; ultimate goodness and rightness are available only to perfectly rational beings like gods. We can only strive to be as close to the gods as possible, and this involves subordinating ourselves to laws.

Yu's reading of Aristotle leans toward the ethics, and makes him a virtue ethicist. Buckle leans toward law and rejects (what he understands as) virtue ethics. Jill Frank also denies that



Aristotle is a “virtue theorist,” which she regards as a kind of communitarian,<sup>22</sup> but this does not mean that she would agree with the degree of Buckle’s emphasis on law. For Frank’s Aristotle, impartial and general law always needs to be paired with particular, agent-specific virtue. Law and virtue, or politics and ethics, are distinct and yet mutually constituting, existing in what she calls a “dynamic harmony.”<sup>23</sup> Ethics is not a supplement to political practice, but a central aspect of politics, for at least two reasons: legal and political judgment rely on individual virtue as well as institutional design,<sup>24</sup> and particular judgments of equity are needed as a corrective to laws which, in their generality, can produce injustice.<sup>25</sup> So law is guided by virtue, and yet law also guides and encourages the development of virtue, in turn.<sup>26</sup> Frank acknowledges that Aristotle’s many statements about law can seem to conflict, but she argues that a synthetic, dialectical interpretation is both possible and philosophically attractive. The rule of law can moderate the rule of men, while at the same time the rule of men moderates the rule of law.<sup>27</sup> Frank would see Buckle’s interpretation as making too sharp a distinction between reason and desire, with the result that Buckle locates the idealized source of law’s disciplinary power outside of those “whose unruly desires it regulates.”<sup>28</sup> As for Yu, perhaps Frank would suggest that he underestimates the importance of distinctively legal norms, too content to conflate them with the cultural habits found in a community’s *ethos*. It may be that she would be closer to agreement with Yu, though, because in the closing paragraphs of her chapter on the rule of law, she writes:

Just as virtue is composed of sedimented habits, with no precise and identifiable source, that are generated by actions and that themselves generate but do not determine activity, so too is constitution...a product of long and unvarying habit, a “way of life of a people” (*Pol.* 1295a41–b1), generated by a series of actions that have, by repetition and acquiescence, acquired the force of law.<sup>29</sup>

Law and virtue are distinct, but they are formed and maintained through very similar processes.

It remains to say how, on each of these accounts, problems remain that the idea of self-restriction may be able to solve. One of Mou Zongsan's key worries, as we will see, is the ever-present possibility for politics to be swallowed by ethics. This happens when the powerful override laws or political norms on the basis of claims to particularistic ethical insight: for example, a Chinese emperor sees himself as a sage, and metes out punishments on the strength of his own putative understanding of ethical reality. To avoid this, Mou says, laws must have an authority that is independent from that of ethics. The routine swallowing of politics by ethics must be rendered illegitimate. It is not clear that on Yu's interpretation, at least, Aristotle has given political or legal authority an adequately independent basis. In addition, Mou's view also explains how being restricted by law is itself a central precondition for ethical progress, and thus should not be understood as a second-best case or unfortunate compromise with reality. On this count, too, the status of law in Aristotle (on Yu's telling, at least) seems inadequate. We can refer to this as the Weak Law Problem. The story is different for Buckle's Aristotle; if we accept Buckle's interpretation, the Weak Law Problem may disappear. However, it seems to me that the idea of self-restriction may be precisely what Aristotle needs to avoid some of Buckle's conclusions. Many readers of Aristotle will find implausible Buckle's assertion that laws and obligations are prior and virtues merely derivative (call this the Priority of Law Problem), but there is no denying that Aristotle seems to want a unified account of ethics and politics. I will explain below how the idea of self-restriction allows one to maintain a strong relationship between ethics and politics while nonetheless maintaining their independence. In this way, we can have something like the role for law that Buckle's Aristotle wants, but without abandoning the virtue-ethical framework. Finally, as attractive as I find Frank's Aristotle, I believe that on

her account, law and virtue (especially the virtue of justice) have too strong a tendency to blend with and ultimately collapse into one another, which we can call the Distinction Problem. She recognizes that the law needs to be general and uniform<sup>30</sup> but places such emphasis on the role of good citizens' judgment in moderating the excesses of law<sup>31</sup> that the distinction between rule of law and rule of man disappears. It is true that the adjudication of law requires judgment, but this should be judgment within the framework of law, rather than ethical judgment in general. On each of these interpretations, in short, Aristotle's view of the relation between ethics and politics seems to have room for improvement. It is now time to see that the same is also true of Hume's virtue ethics.

Hume is famous for his distinction between natural and artificial virtues.<sup>32</sup> He argues that some virtues, of which benevolence is the best example, are the "refined and completed" forms of certain natural sentiments.<sup>33</sup> These virtues are not simply our innate sentiments, since the mechanism of "sympathy" plays a role in extending and completing them, but they all emerge from impulses, desires, and so on that are part of our human nature.<sup>34</sup> On the other hand, artificial virtues like justice (or, more precisely, honesty with respect to property<sup>35</sup>) have their basis in conventions that we invent because of their necessity for successful impersonal cooperation. These conventions are grounded in calculations of our self-interest. Hume emphasizes that artificial virtues are not mere conventions, however: they have become actual virtues, "durable principles of the mind" that reliably motivate us even in cases where a specific honest act will not profit us.<sup>36</sup> This is partly because, once such conventions are established, we naturally feel approbation toward following them. This is not a strong motivation, especially in those cases in which justice commands an action that does not conduce to our immediate benefit,

so the natural feeling of approbation needs to be supplemented by the efforts of politicians, parents, and others to shape our sentiments so that justice and its ilk become robust virtues.<sup>37</sup>

Law comes into the picture via the very conventions that form the basis of the artificial virtues. In Rachel Cohon's words, Hume sees society as depending on adherence to "strict, exceptionless" rules of property and promising.<sup>38</sup> Neil McArthur explains that Hume recognizes that when the rules of conventions have what he calls "generality," they more successfully serve their function of protecting our interests. Generality means applying to everyone, applying in rigid and uniform fashion, being clear and determinate in their application, and being publically known in advance of their application.<sup>39</sup> This applies equally to the rules of justice and to the laws based thereon, and Hume also expects that the virtue of justice will track these strict rules.<sup>40</sup> The crucial reason why we must have laws in addition to the virtue of justice, then, is not because of any differences in what they instruct us to do, but rather because the virtue is not a sufficient guarantor of the rules—notwithstanding the efforts of politicians and parents to strengthen our disposition toward virtue. Indeed, Hume believes that a proper system of laws must be designed such that even if "every man be supposed a knave," society will still be preserved and people's property protected.<sup>41</sup>

From one perspective, there does not seem to be any concern about tensions between virtue and law on Hume's picture: since Hume believes that the virtue of justice and the laws will track one another, we apparently need not worry about particular situations in which ethical judgment might indicate that justice dictates a different result than does the law.<sup>42</sup> Insofar as there is any discrepancy in an actual case, Hume would have us guided by the impartial, general law; he is very cognizant of the pull on us of "the characters and circumstances of the persons" involved in any question, but argues that lest we "quickly bring disorder into the world," we

must restrain our particularistic judgment by “general and inflexible principles.”<sup>43</sup> He does allow that in emergencies like general famine or shipwreck, “the strict laws of justice are suspended ... and give place to the stronger motives of necessity and self-preservation.” In these circumstances, we should be guided by what “prudence can dictate, or humanity permit.”<sup>44</sup> Still, contemporary scholar James Wallace asks, “would Hume accept the possibility ... that justice might on occasion be properly tempered by mercy even though no catastrophe is threatened? This part of Hume’s account is not developed.”<sup>45</sup> We can refer to this as the Mercy Problem. What, furthermore, are we to make of the many cases in which Hume sees our benevolence rightly trumped by our sense of justice, or by the law? Is our benevolent feeling inapt, albeit unavoidable? Call this the Misleading Virtue Problem. Wallace’s own suggestion is that Hume would be well-served by a recognition that our virtues, and the values that they express, should aim at harmonizing with one another; Wallace finds some version of the ancient Greek ideal of the unity of the virtues to be appealing. I am sympathetic to this move but note that the problem then resurfaces in tensions between a more unified virtue and law—call this the Competition Problem—since surely we must not abandon the idea that laws are general and exceptionless, just like Hume says. In other words, the general difficulty that self-restriction aims to solve has appeared again. As contemporary Humeans strive to work out these issues of relations among various virtues and the law, I suggest that they will find the Confucian idea of self-restriction to be fruitful.

Before moving on, there is one more aspect of Hume’s account that we should consider. Recall that he believes that a good legal-political institution should be able to function even if “every man be supposed a knave.” It is natural to wonder if the assumption of universal knavery might actually undermine the possibility of virtue in a society. Confucians will immediately

think of *Analects* 2:3, wherein the Master says, “Lead them with government and regulate them by punishments, and the people will evade them with no sense of shame. Lead them with virtue and regulate them by ritual, and they will acquire a sense of shame and moreover, they will be orderly.”<sup>46</sup> That is, designing a system for the regulation of knaves will encourage the knaves to do whatever is required to avoid punishment, but they will not develop a sense of shame nor more advanced forms of virtue. However, in an excellent article on Hume’s goals for the design of political institutions, Baogang He shows that Hume’s views are more complex than the supposition that everyone be a knave would suggest.<sup>47</sup> First of all, while Hume does not depend on any particular political actor being virtuous—he refuses to assume good will on the part of rulers—he does rely on the fact that honesty, sympathy, and generosity are reasonably widespread in society. He also argues that “much virtue, justice, and humanity are requisite in statesmen,” as well as seeing that institutional designers themselves must have the well-being of the whole in mind.<sup>48</sup> Second, and relatedly, Hume recognizes the need to encourage virtue. This happens because good persons are rewarded and bad ones punished, which Baogang He refers to as a “public virtue approach” to political life, rather than a “traditional moralizing-individual approach.”<sup>49</sup> In any event, it does not seem to be the case that Hume can simply focus on laws and other institutions, and let virtue take care of itself (another version of the Weak Virtue Problem). As we turn now to Mou Zongsan’s idea of self-restriction, we will see that natural ways in which this contemporary Confucian framework can be developed will speak directly to the questions with which Hume is here grappling. Once again, Humeans today have things to learn from Confucians.

### 3. Mou Zongsan and Self-Restriction<sup>50</sup>

Traditional Confucianism conceived of the ethical and political realms as continuous and unified. Either the most virtuous should rule or, in a concession to hereditary monarchy, rulers should strive to be as virtuous as possible, and be guided by their still-more-virtuous ministers. In theory, the possession of virtue enabled the ruler to care for all in the realm; the exemplary nature of the ruler's character, especially as manifest in his concern for members of his family, was supposed to lead all in the realm toward virtue as well. To be sure, a variety of intermediary institutions evolved to enhance and spread the effects of the ruler's virtue, including bureaucrats and the system of examinations that produced them; a broad system of rituals; and a penal code designed to preserve order when all else failed. "Order" was a central goal, but it was conceived in ethical terms, and virtuous rule was understood to be both necessary and sufficient for its attainment.

At the core of Mou Zongsan's New Confucian political project is an effort to pry apart ethical and political values. Mou was worried about political systems that rely on leadership by individuals who claim to have highly developed moral insight. He had in mind the periodic, terrible excesses of both the traditional Confucian state and the modern Communist one: in both cases, leaders who believed in their own virtue sometimes sought to impose their vision of morality on the realm, with bloody consequences. Mou characterized this as politics being "swallowed" by morality.<sup>51</sup> To be sure, Mou was deeply committed to the importance of striving for sagehood. Among other things, he saw laws and rights themselves as rooted in and emerging from moral struggles. Without morality, there would be no politics. Nonetheless, he recognized that "achieving sagehood is an endless process."<sup>52</sup> Politics (including law) must, therefore, be independent from morality, or else it, too, would be endlessly unfinished and inadequately

protective. Mou thus found himself advocating a position that fell between liberal right-based theories and traditional Confucian (or Communist) good-based theories. Unlike the liberals, Mou held that moral and political value must retain a continuity, lest politics be unmoored from the underlying source of all value, in which case we would have no reason for confidence that the outcomes of our political processes were ultimately aimed at making our lives better. Unlike the Communists and earlier Confucians, though, politics and law must nonetheless stand on their own, independent of morality. In other words, Mou rejected both a direct connection between morality and politics, and a lack of connection. His alternative is an indirect connection. Political value, he says, emerges out of morality but achieves an independent status because the further development of moral value requires what he terms “self-restriction (*ziwo kanxian* 自我坎陷).”<sup>53</sup>

I am persuaded by Mou that the concept of self-restriction is critical to a fruitful contemporary Confucian development of political philosophy, and, furthermore, that it can contribute to broader contemporary discussions of virtue-based politics. However, let me make clear from the outset that my explication of the idea of self-restriction differs in some crucial ways from Mou’s. Self-restriction plays key roles in at least three different areas of Mou’s philosophy. It explains how cognition of the empirical world is possible for creatures whose moral heartminds also respond to the lifeworld in a non-empirical way; it explains how and to what degree scientific norms can govern our activities, at least partly independently from morality; and it explains how laws and rights can structure our political lives without being over-ridden by individual claims to better moral insight. In each case, Mou argues that what is being “restricted” is the direct, intuitive grasping of moral reality by the moral heartmind. Understanding this latter idea, which he frequently terms “intellectual intuition,” would be critical to a full account of Mou’s theory of self-restriction. I believe, though, that with some re-interpretation, we can detach the idea of self-



restriction from the rest of Mou's "moral metaphysics" without losing its significance for political philosophy. To be sure, self-restriction must be grounded in an account of ethical value; for present purposes, I offer the following quite general sketch of Confucian ethics in lieu of Mou's own account:

- Humans are capable of developing our attunement to and care for all aspects of our social and natural environment, which most centrally involves those people with whom we have particular relationships;
- Our care for distinct dimensions of value in our environments (e.g., family responsibilities, the well-being of strangers for whom we are responsible, and concern for our friends) must be harmonized;
- Well-lived human lives and the flourishing of our communities both depend on people successfully developing the aforementioned capacities to significant degrees;
- These capacities can be usefully explained through reference to individual virtues like humaneness and propriety, though these virtues are at least somewhat inter-related (and perhaps, depending on the specific account, ultimately just different aspects of a single capacity); and the ultimate goal of Confucian ethics is the full development of these virtues on the part of all people.

In order to concentrate on self-restriction and political philosophy, I will not defend this picture of Confucian ethics here.<sup>54</sup> I use Mou's specific discussion of self-restriction as my point of departure, and in fact I believe that Mou would accept virtually everything I say here about self-restriction. But we do not need to take on board all of Mou's system in order to see the value of self-restriction, and this approach opens it up to the possibility of dialogue with contemporary Aristotelians and Humeans.

Mou himself glosses “self-restriction” as meaning “self-negation (*ziwo fouding* 自我否定)” in a Hegelian sense: that is, the limitation of one thing by something else of a fundamentally distinct kind.<sup>55</sup> Key to the way that Mou develops his ideas is a distinction between the functional presentations of ethical reasoning and the structural presentations of analytical reasoning. By functional presentations of ethical reasoning, he means an individual’s particularist, situation-specific ethical judgments, which he sees as the core modality of Confucian ethics.<sup>56</sup> He understands these judgments to come from the properly cultivated moral heartmind, and in this sense to be subjective; he also puts this in terms of the individual’s virtuous character.<sup>57</sup> The structural presentation of analytic reasoning, on the other hand, refers to general, objective rules or frameworks. With this in mind, here is Mou:

A democratic political structure is something that emerges from the conscious decisions people make in their political lives; based on this clue, we can connect it to ethical reasoning. But such political structures are objective frameworks belonging to objective practice, and thus cannot be completed by the functional presentation of ethical reason. The inner logic of the political structure itself is a manifestation of the structural presentation of reasoning; this reasoning temporarily cannot be thought of in terms of individual virtue or practical reasoning, but has shifted into analytic reasoning without ethical meaning.... But this overall political structure itself is something desired by ethical reasoning. In other words, the realization of this political structure is also the realization of a highest ethical value. This shows that in order to realize this ethical value, ethical reasoning must from within the midst of its functional presentation restrict itself (*ziwo kanxian*), step back a pace, and shift into the structural presentation of

analytical reasoning. Observed from within this structural presentation of reason, politics has its independent significance, forms its own, independent realm of value, and has temporarily left ethics behind; it seemingly has no connection with ethics. From within the structural presentation, the various aspects of this political structure—like the organization of power and the definition of rights and duties—are all on par with one another, and thus can be the subjects of an independent political science. People can discuss these aspects using pure political discussion, striving to clearly establish a reasonable, impartial framework (*heli gongdao*).<sup>58</sup>

As we can see, for Mou that which restricts itself is a certain kind of reasoning, in favor of a different modality of reasoning. From elsewhere in Mou's writings, it is clear that the difference between ethical and analytic reasoning is more dramatic than I have been making it sound. He really has in mind two fundamentally different kinds of consciousness: an innate moral consciousness that has the ability to directly intuit the basic moral nature of the cosmos, and a cognitive, analytical consciousness that works by distinguishing subject from object.<sup>59</sup> One key to my appropriation of Mou is to realize that self-restriction still makes sense if we give a much less metaphysically charged interpretation of the two forms of reasoning. Mou in fact takes "the virtue of one's moral character (*reng zhong de dexing*)" to be roughly equivalent to the deliverances of one's moral heartmind; I propose simply to see ethical reasoning in terms of the perceptions and reactions of virtuous character to particular situations. This is consistent with Mou's more elaborate story, but does not require that we follow Mou in all the specifics. Furthermore, my version still provides a solid (and solidly Confucian) normative grounding for ethics, based in the general framework of Confucian ethics I sketched above.<sup>60</sup>

What about the reasoning that takes place within the political realm? How is this different from ethical reasoning? I accept much of what Mou says: it is reasoning in terms of different values and in keeping with general, objective rules. Rather than basing one's judgment and behavior on one's own perception of the situation, one is bound by laws and works within political processes. Among other things, this means accepting the messiness and imperfections of the political process. As he puts it succinctly in one of his lectures: if a sage wants to be a president, he must "observe the political rules."<sup>61</sup> Let us now take note of the first sentence from Mou's long quote: *it is important that politics emerges out of the ethical activity of individuals as they merge together in political life*, because Mou's basic picture is that a certain kind of political structure is ultimately needed as the indirect means to more complete ethical practice. Ethical reasoning "restricts itself" in order to more fully realize itself, and thereby allows for an independent realm of political value to exist. It is independent in the sense that it cannot, at least under normal circumstances, be over-ridden by an individual's claim to superior ethical insight. As Mou puts it later in the same book:

No matter how great or spiritual the attainments of one's [virtuous] character, when manifested in politics, one cannot override the relevant limits (that is, the highest principles of the political world), and in fact must devote one's august character to the realization of these limits. When one is able to successfully realize these limits, in ancient times one would be called a "sage-king"; in modern times, a "great statesperson." If one cannot, in ancient times one would be called a "hegemon," "tyrant," or "autocrat"; in modern times, a "totalitarian ruler" or "dictator."<sup>62</sup>

Mou ignores here the differences between ancient and modern politics; on his more considered account, even the best of ancient politics suffers from its lack of independence.

Let us take a step back. There are two key things that we need to understand about self-restriction: what it is, and why it is necessary. So far in this section we have made some progress toward understanding what it is, at least with respect to the relation between ethics and politics. Now let us focus on the justification of self-restriction. In summary outline, the argument is as follows. Our subjectively-felt morality implicitly points toward an ideal of full, sagely virtue. Full virtue must be realized in the public, political world. Without objective structures (like laws), the public goals of full virtue are inaccessible. Since these objective structures restrict the ways in which our subjective moral feelings can be manifested, Mou concludes that the achievement of virtue requires self-restriction. Objective, public standards are thus related to inner virtue, but they are also distinct from one another. Before I unpack this argument, let me emphasize why it is important. Mou's idea, which I endorse, is not that a constitution, laws, and rights are merely *compatible* with Confucianism, but rather than these objective political structures are *required* by Confucianism if it is to realize its own goals. Mou's argument does not depend on an independent commitment to constitutional democracy, but is a critique internal to the Confucian tradition. The fact that he draws on Hegelian language does not change this fact, just as the ways in which earlier Confucians drew on Buddhist ideas does not render their critiques external to the tradition.<sup>63</sup>

In any event, turn now to the argument itself, albeit in a more explicit form than Mou ever provides; Mou's own statements on this subject tend to be quite elliptical, such as the long passage cited above. In order to conclude that the achievement of virtue requires self-restriction, we need the following three premises: (1) we (Confucians) are committed to seeking full virtue;

(2) full virtue must be realized in the public world; and (3) the public realization of full virtue requires objective structures that are independent from claims of virtue. The first premise should be uncontroversial: the pursuit of ethical self-improvement and the criticism of those who rest content with moral mediocrity are perennial themes in Confucian writings. Some writers over the last century have sought to resist the second premise, arguing that Confucianism can only have a continued role in the modern world if it confines its aspirations to the development of an inner virtue that has no necessary expression or influence in the outer world. We can see something of this attitude in Yu Dan's extraordinarily popular recent book on the *Analects*, and the eminent scholar Yu Ying-shih has repeatedly made arguments to this effect.<sup>64</sup> However, it is absolutely central to the Confucian conception of virtue that inner states and dispositions have an outer manifestation and influence. Indeed, this is one of the real insights of the tradition that we are now beginning to see confirmed by modern psychology.<sup>65</sup> More certainly can be said about this premise, including its dependence on the lack of a firm distinction in the external between "private" (like family) and "public" (like political); on this score, Confucians and feminists find themselves both supporting the latter's slogan that "the personal is political." Still, it should be clear that the core of Mou's argument comes in the third premise.

The premise that the public realization of full virtue requires objective structures can itself be cashed out into three steps. First, publically realized full virtue means that everyone is also and simultaneously implicated in realizing virtue; as we read in *Analects* 12:1, "If one day he can overcome himself and turn to humaneness, the world will turn to humaneness along with him."<sup>66</sup> Similarly, *Analects* 12:16 says that the good person "completes the good in others"; *Analects* 4:25 tells us that "virtue is not solitary; it must have neighbors." The fundamental inter-

relationship of people on which these sayings from the *Analects* are based should include all people.

Second, the attainment of virtue by others must be their individual and active achievement. As Mou explains at one point (partly using Hegelian language), actual freedom requires self-awareness, which in turn requires struggle; each person must feel that he or she is an independent individual. This is connected to the pervasive Confucian commitment to “getting it for oneself (*zi de* 自得)”; slightly later in *Analects* 12:1, the text continues: “To be humane comes from oneself; how could it come from others?”<sup>67</sup> Third, only when rights to exercise agency with respect to matters both large and small are guaranteed, via external political structures, can the possibility of individual, active engagement with one’s own self-cultivation be assured. People need to have opportunities to take responsibility for various aspects of their world, even up to the possibility that they are most qualified to serve as the head of government. Once again, let me acknowledge that these ideas are not explicit in Mou’s writings, but I take them to follow from and fill out his position. In fact, they are also partly alluded to in the 1958 “Manifesto to the World’s People on behalf of Chinese Culture” that I referred to at the outset of the essay.<sup>68</sup> I conclude that virtuous insight must therefore be restrained—restrict itself—by adherence to the objective structures that protect the rights of all. Only then is full virtue a possibility.

Before moving on, it is important to add that although self-restriction means that our subjective ethical feelings will much of the time willingly stand down and endorse our giving authority to general laws—even when these laws conflict with our subjective ethical judgments—it is possible for there to be exceptions to this typical stance. Legitimate self-restriction does not mean that one’s full-fledged and independent ethical judgment disappears; it

is simply “temporarily” suspended, as Mou puts it.<sup>69</sup> Therefore, one should be capable of judging when, in an extreme case, the violation of the law might be ethically justified without abandoning the general commitment to the authority of law that self-restriction demands. As John Rawls famously argued, when one willingly accepts the legal consequences of one’s civil disobedience, one expresses one’s continued acceptance of the rule of law and of the political authority in which it adheres.<sup>70</sup> If one’s ethical values lead one routinely to break the law, though, then this is not civil disobedience but rather the denial that any legitimate law is actually in play.

#### 4. Prospects for Dialogue

In earlier writings I have suggested that the idea of “rooted global philosophy” offers a fruitful way to think about the point of cross-cultural philosophical engagement.<sup>71</sup> Our philosophical criticism and reflection typically takes a particular tradition as its point of departure, but as we investigate the questions that a given tradition makes salient, we can still be open to stimulus and challenge from alternative traditions. This is simultaneously being rooted and global. While it is possible that new, more inclusive traditions may emerge from this process, the success of rooted global philosophy does not depend on such an outcome. For example, if an encounter with modern Confucianism leads modern neo-Aristotelians to improve the scope or power of their own theories, as seen from their perspectives, then this counts as a kind of success for philosophy.

Seen in this light, the dialogue that I have proposed in the present essay might now proceed in any of three general directions. Most ambitiously, either Aristotelian or Humean



virtue ethicists might find Mou's specific concept of self-restriction, in all of its detailed connections to intellectual intuition, cognition, and so on, to be a necessary addition or reformation to their existing theories. Of course, by myself setting aside these specific dimensions of the contents of self-restriction, I have undermined the possibility for this result. The very different metaphysical and other premises that divide Mou's full theory from those of Aristotle or Hume make this version of dialogue extremely unlikely to be fruitful. This should not lead us to conclude that there is a wide conceptual gulf separating all fully fleshed-out understandings of Confucianism from Western philosophies like those considered here; though Mou's vision of Confucianism is influential, it is also highly controversial. Alternative moments in the tradition and even alternative interpretations of the same texts on which Mou focuses may turn out to have more in common with Western orientations. But that is an argument for another day.<sup>72</sup>

The second and third ways in which followers of Hume or Aristotle might learn from Mou both depend on taking self-restriction in the somewhat more general sense that I have presented in this essay. My exposition of the meaning and justification of self-restriction has drawn explicitly on Confucian texts and conceptualizations; and as I said above, while my argument for self-restriction is not exactly Mou's, it is parallel with his views, and I believe that he (and his current followers) would accept what I have said here. As for Humeans and Aristotelians, the second direction in which the dialogue could proceed is to consider whether my specific argument for the necessity of self-restriction also applies to their frameworks. Or, more loosely, perhaps the Confucian argument will inspire a roughly similar argument, albeit couched in Humean or Aristotelian terminology. Finally, the least ambitious, but still productive, way in which a dialogue could proceed is if we find ways in which an idea like self-restriction

can be fruitfully inserted into Aristotle's or Hume's framework, even if it is not justified through anything like the argument discussed above. That should still count as a kind of philosophical progress that comes out of comparative dialogue.

In my discussions above of Aristotle and of Hume, I have already tentatively indicated some ways in which self-restriction may be able to figure constructively into the development of their theories. Jiyuan Yu's Aristotle faces some challenges similar to traditional Confucianism, for instance, the Weak Law Problem: inadequate protection against politics being swallowed by morality and mistakenly thinking that legal norms represent a kind of compromise with an unfortunate reality. Taking self-restriction seriously would allow us to take all that Aristotle says about law seriously and yet avoid Buckle's Priority of the Law Problem, namely that law is ultimately more central than virtue. This is welcome to anyone (like myself) who finds Buckle's reading of Aristotle unpalatable. Frank's picture can be shored up through the deployment of self-restriction to solve the Distinction Problem: it is a tool that her Aristotle can use to keep law and virtue distinct from one another, even though they are mutually constituting. For both Yu and especially Frank, finally, I see no reason why they should not endorse the central argument that I have presented for self-restriction (namely, that full virtue requires independent political/legal structures). Frank, especially, places emphasis on an inclusive, "democratic" reading of Aristotle that fits extremely well with my focus on the protection and encouragement of individuals' abilities to participate in politics.

Embracing the idea of self-restriction could also make Hume's position much stronger. The area of concern that I have identified lies in the potential conflicts among benevolence, justice, and law. Hume's basic account seems to be that barring emergencies, when benevolence and justice conflict, the latter trumps; and that since law is simply derived from the exceptionless

rules of justice, there is no room for conflicts between justice and law. At the most general level, I referred to this as the Competition Problem. More specifically, there is the Misleading Virtue Problem: what to make of the regularity with which benevolence apparently leads us astray; should we still feel approbation for such an unreliable disposition? This is tied to the unrealistic and unattractive compartmentalization of virtues that Hume gives us: as I cited Taylor beginning to discuss, there are strong reasons for thinking that virtues appropriately influence one another, even if we do not want to go as far as thinking that virtue is ultimately unified.<sup>73</sup> In addition, while I cannot develop the argument here, there are powerful reasons (both empirical and normative) for thinking that our disposition to justice cannot be as exclusively rule-like as Hume would have us believe (this relates to, but is more general than, the Mercy Problem that I identified above). Judgments of justice or fairness need considerable contextual sensitivity in ways that publically stateable general laws cannot mimic. Depending on how many of these putative problems one finds troubling, self-restriction can ride to the rescue at one place or another. For example, a contemporary Humean might argue that particularistic virtue (including justice) needs to restrict itself so that we follow general laws, because only a society governed by such laws is truly conducive to the growth of virtue. This would explain away the problem of Misleading Virtue: we should not always follow benevolence because apt benevolence must regularly restrict itself. The Competition Problem is solved as well, since now we have an account of how, when, and why law trumps virtue. Self-restriction does not solve the Mercy Problem quite as cleanly, but it can be part of a solution in helping us to balance among the particularistic virtue of justice, the general rules of justice and law, and rare exceptions that call for criticism of the laws and even for civil disobedience.<sup>74</sup>

In keeping with the goals of this volume, the present essay has emphasized ways in which rooted yet global Aristotelians and Humeans can benefit from an encounter with modern Confucianism. Of course, the possibilities for stimulus and challenge also operate in the other direction. For a variety of reasons, though, modern Chinese philosophers have been much more apt to take up these challenges and stimuli than have their Western peers, creating a troubling asymmetry that this essay and this book are aimed at helping to dispel. The nature of rooted global philosophy is not to prescribe one-size-fits-all solutions but to initiate new lines of thought. Perhaps the idea of self-restriction will lead contemporary Western virtue ethicists to conclusions quite different from those that I have imagined here. This, too, should count as a kind of progress. My ultimate argument here is not for a specific, substantive conclusion, but for the fruitfulness of taking seriously philosophical challenges from China.

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<sup>1</sup> Jiyuan Yu (“The ‘Manifesto’ of New Confucianism and the Revival of Virtue Ethics”) laments this missed opportunity, though he may underestimate the degree to which key authors of the Manifesto were already committed in 1958 to an understanding of Confucianism that was not congenial to Aristotelian virtue ethics. In treating the Manifesto as a “source,” I am exaggerating somewhat: the philosophical and historical writings of its authors were already underway in 1958, so it is more a statement of joint understanding than a starting point. Still, in the years since 1958 it has had a significant influence as an independent document.

<sup>2</sup> See, e.g., Bryan Van Norden, *Virtue Ethics and Consequentialism in Early Chinese Philosophy* and Michael Slote, “The Mandate of Empathy.” I discuss the development of a virtue-ethical reading of early Confucianism in “The *Analects* and Moral Theory.”

<sup>3</sup> Three factors explain the absence of contemporary Confucianism in current conversations

<sup>2</sup> See, e.g., Bryan Van Norden, *Virtue Ethics and Consequentialism in Early Chinese Philosophy* and Michael Slote, “The Mandate of Empathy.” I discuss the development of a virtue-ethical reading of early Confucianism in “The *Analects* and Moral Theory.”

<sup>3</sup> Three factors explain the absence of contemporary Confucianism in current conversations about virtue ethics: (1) many contemporary Chinese philosophers, following Mou Zongsan (a key author of the Manifesto) and others, understand Confucian ethics on a fundamentally deontological model. (2) Another group of contemporary advocates of Confucianism construe it as a religious and/or cultural resource that is relevant primarily to China, rather than as a universal ethical and political philosophy. (3) Most writings of modern Confucians are only available in Chinese, making it difficult for Western philosophers to engage in a detailed fashion with specific aspects of modern Confucian philosophizing.

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<sup>4</sup> For example, Lin Anwu, *Ruxue geming lun* or Tang, *Dexing yu Zhengzhi*.

<sup>5</sup> For example, Yu Ying-Shih, “*Xiandai Ruxue de huigu yu zhanwang*.”

<sup>6</sup> Jiang’s *Zhengzhi ruxue* is a leading example. For discussion of this approach, which I call Institutional Confucianism, see Angle, *Contemporary Confucian Political Philosophy* and Fan Ruiping, *The Renaissance of Confucianism in Contemporary China*.

<sup>7</sup> Admittedly, an officer sometimes will decide not to write a ticket, but my sense is that this has less to do with an ethical judgment than with how successful a given driver is at charming the officer or eliciting pity.

<sup>8</sup> This analysis applies only to virtue-ethical views that have a significant role for particularist judgment. Deontological and rule-consequentialist views, according to which our duties already take a universal form, may not face this kind of problem; after all, in “Modern Moral Philosophy” Elizabeth Anscombe criticized dominant forms of modern moral philosophy as being based on a “law conception of ethics” I set aside for another day consideration of whether act-consequentialists need self-restriction.

<sup>9</sup> Jiyuan Yu, *The Ethics of Confucianism and Aristotle*, 100.

<sup>10</sup> As Yu notes, Aristotle says that “men in general desire the good, and not merely what their fathers had” (*Politics* 1269a3-4). Quotations from Aristotle are drawn from Aristotle 1984, *The Complete Works of Aristotle*.

<sup>11</sup> Jiyuan Yu, *The Ethics of Confucius and Aristotle*, 131; cf. Aristotle, *Nicomachean Ethics* 1180a6-7.

<sup>12</sup> Yu, *ibid.*, 138, referring to Aristotle, *Politics* 1286a10-11, 21-22, and 1287b18-19.

<sup>13</sup> *Ibid.*, referring to *Politics* 1287a29-31.

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<sup>14</sup> Ibid., referring to *Politics* 1288a3; the topic is clarified at *Politics* 1288a16-29.

<sup>15</sup> Ibid., 101.

<sup>16</sup> Buckle, “Aristotle’s Republic,” 568.

<sup>17</sup> Ibid., 575.

<sup>18</sup> Ibid., 569. Buckle writes: “To take one example: no reader of the *Nicomachean Ethics* could be in any doubt that Aristotle thinks adultery to be wicked and disgraceful. But he makes no attempt to show that its wrongness consists in its being contrary to any virtue; it is, rather, simply taken to be wrong, and the man of virtue shown to be virtuous—in part if not in whole—by the fact that he does not do dreadful things of that kind” [*ibid.*, 569n12].

<sup>19</sup> Ibid., 579.

<sup>20</sup> Ibid., 576.

<sup>21</sup> Ibid., 594.

<sup>22</sup> Jill Frank, *A Democracy of Distinction*, 12.

<sup>23</sup> Ibid., 50.

<sup>24</sup> Ibid., 106.

<sup>25</sup> Ibid., 81.

<sup>26</sup> Ibid., 110-111.

<sup>27</sup> Ibid., 114.

<sup>28</sup> Ibid., 112.

<sup>29</sup> Ibid., 136.

<sup>30</sup> Ibid., 112.

<sup>31</sup> Ibid., 114.

<sup>32</sup> The account is set out in his *Treatise of Human Nature*. It does not appear explicitly in his later *Enquiry Concerning the Principles of Morals*, leading some to suggest that he abandoned it. However, as pointed out by David Wiggins, the distinction “is there in the background” of the *Enquiry* (“Natural and Artificial Virtues,” 135) and is explicit in Hume’s still later essay “Of the Original Contract” (267). It perhaps bears saying that while there are interpretive controversies surrounding Hume’s views of ethics and politics, compared with the debates over Aristotle, the disagreements over Hume are—at least for my present purposes—quite minor, and so they will not make an appearance in the main text.

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<sup>33</sup> Rachel Cohon, “Hume’s Artificial and Natural Virtues,” 259.

<sup>34</sup> In her “Justice and the Foundations of Social Morality in Hume’s *Treatise*,” Jacqueline Taylor emphasizes the transformation of instinct that takes place even in the natural virtues, and therefore suggests that other scholars have sometimes overemphasized the distinction between natural and artificial virtues.

<sup>35</sup> Rachel Cohon, “Hume’s Artificial and Natural Virtues,” 260.

<sup>36</sup> Hume, *A Treatise of Human Nature*, 575, and see generally §3.1.1.

<sup>37</sup> Cohon, “Hume’s Artificial and Natural Virtues,” 263; Taylor, “Justice and the Foundation of Social Morality in Hume’s *Treatise*.”

<sup>38</sup> Cohon, *ibid.*, 260.

<sup>39</sup> Neil MacArthur, *David Hume’s Political Theory*, 57 see Hume, *Treatise*, §3.2.6.

<sup>40</sup> There is a certain amount of disagreement among commentators over whether Hume’s legal philosophy should count as a positivist/conventionalist view or a natural law view, given that on his account laws are artificial but not arbitrary; contrast Kenneth Westphal’s “From ‘Convention’ to ‘Ethical Life’” with Neil McArthur, *David Hume’s Political Theory*, chapter 2).

<sup>41</sup> See Baogang He 2004 “Knavery and Virtue in Humean Institutional Design,” 543; Hume, “Of the Independency of Parliament,” 118.

<sup>42</sup> Note that “barbarous” societies ruled by the arbitrary decisions of tyrants have no laws, properly speaking, at all (McArthur, *David Hume’s Political Theory*, chapter 2).

<sup>43</sup> Hume, *Treatise*, 532.

<sup>44</sup> Hume, “An Enquiry Concerning the Principles of Morals,” 38.

<sup>45</sup> James Wallace, “Virtues of Benevolence and Justice,” 89.

<sup>46</sup> Translation from E. Bruce Brooks and A. Takeo Brooks, *The Original Analects*, 110.

<sup>47</sup> He, “Knavery and Virtue in Humean Institutional Design.”

<sup>48</sup> *Ibid.*, 549.

<sup>49</sup> *Ibid.*, 551.

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<sup>50</sup> This section is based on material from Angle, *Contemporary Confucian Political Philosophy* primarily in chapter Two.

<sup>51</sup> Mou Zongsan, *Zhengdao yu Zhidao*, 140. Unless otherwise noted, translations are my own.

<sup>52</sup> *Ibid.*, 127.

<sup>53</sup> Mou, *Zhengdao yu Zhidao*, 59. This translation of *ziwo kanxian* was first used by David Elstein; see Elsetein, “Mou Zongsan’s New Confucian Democracy.”

<sup>54</sup> One controversial dimension of my picture is the central role played by virtues; for extensive discussion of different approaches to these matters, see my “The *Analects* and Moral Theory.”

<sup>55</sup> Mou, *Xianxiang yu wuzishen* 122.

<sup>56</sup> Mou, *Zhengdao yu Zhidao*, 46-48.

<sup>57</sup> *Ibid.*, 47.

<sup>58</sup> *Ibid.*, 58-9.

<sup>59</sup> One of Mou’s most controversial doctrines is that through the former consciousness, humans are capable of “intellectual intuition.” For some background and discussion of these ideas, see Nganying Serina Chan, *The Thought of Mou Zongsan*; Sébastien Billiourd, *Thinking Through Confucian Modernity*; and Nicholas Bunnin, “God’s Knowledge and Ours.”

<sup>60</sup> There is of course more to be said about what counts as a virtuous perception or reaction, how this relates to the attunement and care that I mentioned above, how these individual reactions to particular circumstances harmonize with one another and with multiple dimensions of value, and so on. Mou offers one kind of answer, based around his idea of intellectual intuition; I offer a different answer in *Sagehood*; and other Confucian philosophers have developed still other alternatives.

<sup>61</sup> Mou, *Zhengzhi zhaxue shijiu jiang*, 278.

<sup>62</sup> Mou, *Zhengdao yu zhidao*, 128.

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<sup>63</sup> In chapter 2 of *Contemporary Confucian Political Philosophy*, I discuss at some length the question of whether Mou’s “New Politics” is actually Confucian, concluding that it does count as a development of the living tradition of Confucianism.

<sup>64</sup> See Yu Dan, *Yu Dan Lunyu xinde* and Yu Ying-shih, “*Xiandai Ruxue de huigu yu zhanwang.*” I discuss Yu Ying-shih’s arguments in *Sagehood*, chapter 10.

<sup>65</sup> I summarize some of the relevant arguments and literature in “Seeing Confucian ‘Active Moral Perception’ in Light of Contemporary Psychology.”

<sup>66</sup> Adapted from Brooks and Brooks, *The Original Analects*, 89.

<sup>67</sup> Theodore deBary has particularly emphasized the idea of “getting it for oneself” in his many writings on Neo-Confucianism; see, for example, *The Message of the Mind in Neo-Confucianism*.

<sup>68</sup> See Mou et al. “*Wei Zhongguo wenhua jinggao shijie renshi xuanyan,*” 33and, for a somewhat abbreviated English translation, Carsun Chang, “A Manifesto for a Re-appraisal of Sinology and Reconstruction of Chinese Culture,” 472.

<sup>69</sup> Mou, *Zhengdao yu zhidao*, 59.

<sup>70</sup> John Rawls, *A Theory of Justice*.

<sup>71</sup> Angle, *Sagehood*.

<sup>72</sup> For an argument that Wang Yangming (1472-1529), who is one of Mou’s main sources, should be understood as a kind of virtue-ethicist, see [Angle 2010]. I explore several different approaches to early Confucianism in [Angle 2013]. **EDIT THIS**

<sup>73</sup> Hume’s account is appealingly naturalistic and conforms with certain dimensions of contemporary research into moral psychology. But much contemporary research suggests that even if there are distinct emotional sources of virtue-like dispositions, there are also higher-level

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processes that blend and shape the basic dispositions. For some references, see Angle, “Seeing Confucian ‘Active Moral Perception’ in Light of Contemporary Psychology.”

<sup>74</sup> One might wonder whether, in acknowledging that ethics can sometimes override political norms, I have re-opened the Pandora’s box that self-restriction was meant to keep closed. As noted above, civil disobedience must be rare and must continue to respect the rule of law by accepting the legal consequences of one’s actions; otherwise we have indeed lost our commitment to law’s having an independent authority. In addition, the grounding of self-restriction in the ultimate realization of virtue for all, also gives us some guidance on when laws are problematic enough to merit civil disobedience. We must criticize laws that seriously undermine the ability of any group to achieve virtue, and if working for change within such an oppressive system proves impossible, civil disobedience may be demanded. For some related discussion, see my argument in favor of Confucian social criticism in Angle, *Contemporary Confucian Political Philosophy*, chapter 7.