

The Importance of Culture and Cognition— A Review of *The Geography of Thought: How Asians and Westerners Think Differently ... and Why*

By Richard Nisbett
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Reviewed by Cliff Zimmerman

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When we teach our students to write, we consistently stress the paramount importance of knowing your audience. Knowing who the readers are, and their background, experience, and understanding is vital to crafting not only the substance but also the style of any legal presentation. But do we take the same into consideration with our students (our audience) as we teach? What about their background, understanding, and cultural circumstances? Are there other ways to gain better understanding from them or are we discounting what they bring, culturally, to the classroom? Likewise, many of us try to avoid geocentricity, whether it is local, regional, or national, but do we consider how another culture would think about or approach the subject? This is not about being politically correct or being chic, nor is this about teaching some alternative to the core of legal analysis; rather this is about whether there are true, underlying, cultural differences in comprehension, presentation, and argumentation. And, if so, how do we use that information to be better teachers to and of our students?

Richard Nisbett, in *The Geography of Thought: How Asians and Westerners Think Differently ... and Why*, passionately argues that there are critical differences and similarities that, left unspoken and unstudied, leave us ill-equipped to understand, function, and thrive in a globalized society. Further, his findings raise important questions for us to consider about how to teach legal argumentation and how our students construct their arguments. This book review is less than orthodox in its

approach. I hope to whet your appetite to read the text (in part by not reviewing all of it!), but also to set aflame your desire to complete the research that must follow Nisbett's work.

Nisbett juxtaposes East and West, or more specifically China and Greece, as two starting points for different ways of thinking. The Greek tradition of individuality and logic, where knowledge and debate were leisurely pursuits, led to a very linear view of the world and logic. The Chinese approach was broader, based in community and harmony, and led to a universality or universal connectedness approach to the world and its contents. Thus, while the Greeks debated to advance, the Chinese strived for community advancement. "[T]he Chinese advances reflected a genius for practicality, not a penchant for scientific theory and investigation." (p. 8) This also translated into a competitive streak in Western thought (and argument) and a practical solution aim in Eastern thought (and argument). Nisbett culls through background cultural, religious, and political development in both East and West, to define, through meta-analysis, personal contacts, and some anecdotal support, and pinpoint this difference.

The core of Nisbett's argument starts with identifying common, Western assumptions about people worldwide (pp. 47–48):

- Each individual has a set of characteristic, distinctive attributes. Moreover, people *want* to be distinctive—different from other individuals in important ways.
- People are largely in control of their own behavior; they feel better when they are in situations in which choice and personal preference determine outcomes.

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- People are oriented toward personal goals of success and achievement; they find that relationships and group memberships sometimes get in the way of attaining these goals.
- People strive to feel good about themselves; personal successes and assurances that they have positive qualities are important to their sense of well-being.
- People prefer equality in personal relations or, when relationships are hierarchical, they prefer a superior position.
- People believe the same rules should apply to everyone—individuals should not be singled out for special treatment because of their personal attributes or connections to important people. Justice should be blind.

Then, in a variety of contexts, including the self, relationships, conflict and negotiation, and viewpoints, he carefully parses Western and Eastern differences that matter. In the end, these assumptions are just Western assumptions and do not capture the Eastern view.

On relationships, Nisbett focuses on a difference of independence (Western) v. interdependence (Eastern). Whether parental, business, or otherwise, in the East relationships are seen as critical, strong, and long lasting, as opposed to the Western view that such relations are short and, at times, weak. He reviews various studies that confirm that this is how workers view their job commitment: is it for life (as in the East) or just until the next, better opportunity comes along (as in the West)?

On conflict and negotiation, Nisbett finds evidence that the East does not share the tradition of Western debate. Thus, when Easterners come to the West to study law or science, they do not come with the training in analytical method (start with basic relevant theories, develop hypothesis, state and justify methods, present evidence, and argue findings) that has been ingrained in Western students from day one of their education. Thus, “[i]t is not uncommon for American science [or law] professors to be impressed by their hard-

working, highly selected Asian students and then to be disappointed by their first major paper—not because of their incomplete command of English, but because of their lack of mastery of the rhetoric common in the professor’s field.” (pp. 74–75) Many of us have experienced this; our Eastern world students know the material, but present it in a very simplistic form. Do they not know how to present it?

This East-West division is revealing about notions of justice and fairness as well. In the East, “disputants take their case to a middleman whose goal is not fairness but animosity reduction—by seeking a Middle Way through the claims of the opponents.” (p. 75) Not only does this affect our teaching, particularly in argumentation and brief writing, but on a larger scale this can make us wonder about whether Western ideals can be exported on a political level. Negotiation binds together with relationships as well. “A Japanese negotiator may yield more in negotiations for a first deal than a similarly placed Westerner might, expecting that this will lay the groundwork for future trust and cooperation.” (p. 76)

To Nisbett, this is not just a difference in values, but rather a difference in how the world is constructed. Citing one study, he draws from it that “Westerners and Asians literally see different worlds. Like ancient Greek philosophers, modern Westerners see a world of objects—discrete and unconnected *things*. Like ancient Chinese philosophers, modern Asians are inclined to see a world of substances—continuous masses of *matter*.” (p. 82) Thus, the two are characterized as atomistic v. holistic, where “Westerners are the protagonists of their autobiographical novels; Asians are merely cast members in movies touching on their existences.” (p. 87) A study asking young children to describe events in their lives found American children’s self-references occurred at a rate three times higher than self-references by Chinese children. This egocentricity not only presents a clear difference, but also reveals, perhaps, why we might be slower to see the ways of others in the world. Further studies that Nisbett conducted confirmed this. Easterners (Japanese in particular) pay more attention to

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background details, context, and environment, while Westerners (Americans) pay attention to foreground matters or focal objects. Such a conclusion has deep ramifications for a divide between what a teacher intends to impart and what is identified as the important part to retain.

Nisbett next looked at control and how the importance of control varied from culture to culture. Not surprisingly, given previous findings, he found that Asians were more comfortable working in groups and less comfortable working alone, whereas Americans were exactly the opposite. “[T]o the Asian, the world is a complex place, composed of continuous substances, understandable in terms of the whole rather than in terms of the parts, and subject more to collective than to personal control. To the Westerner, the world is a relatively simple place, composed of discrete objects that can be understood without undue attention to context, and highly subject to personal control. Very different worlds indeed.” (p. 100)

Then, Nisbett carries forth into argument and rhetoric (the last two chapters of substance). While his conclusions on these do not stray far from his conclusions in general, like a good mystery, I leave you to read these chapters lest my presentation be too revealing of his findings. Suffice it to say, that here is where our work begins.

When in Rome?

I have often heard from law teachers who have just read the papers of foreign-born students an utter dismay for the lack of depth of analysis in the presentation. They think or mutter under their breath: Why can't these students merely do as we have taught and leave their approach behind?

When in Rome, they should write and analyze like the Romans!

With or without Nisbett, some of us have already adjusted our teaching to recognize that we need to present legal analysis in a different way to students of other cultures, particularly those of East Asia (as opposed to South Asia, which had a greater British influence). While this has most likely occurred in

the teaching of foreign LL.M.s, what about the increasing number of foreign born or first generation American J.D.s who are strongly imbued with another cultural set of precepts? And, if you think you have mastered this, then move forward and teach these students the precepts of an honor code and citation form! Any way you cut this, further study is needed. We need to discern the line between the cultural understanding we need to teach here and the cultural change that needs to be taught. This is a ripe area for good philosophical and empirical work.

What about the students who know, understand, and present with the rhetorical and analytical strength that we seek, but now want to use a culturally distinct rhetorical tool to elevate their skills? Perhaps they are doing so to reach or teach their audience. Perhaps it complements the substance presented. Or, perhaps, they just want to diversify their presentation. When should we be teaching these skills to add to our students' tool belts? Is this strictly a matter for an upper-level writing course or advanced rhetoric, or, in the face of globalization, just good sense? Will judges blanch at such arguments or be intrigued? Will teaching these tools validate some of our students' backgrounds and improve their ability to thrive in law school and beyond? The answers lie buried in our schools and in our students, and are ripe for empirical and theoretical study. We are not only deeply affected by the outcomes, but plainly in a great position to develop the research, evaluate the findings, and implement the results. Nisbett has opened the door for many disciplines to pursue the rush of fresh air entering the academy. Legal writing professionals should breathe in gulps and let it inspire our creativity.

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