

THE WAY OF HEART: MENCIUS' UNDERSTANDING OF JUSTICE

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The priority of the individual, indeed, is one of the main points I attempted to establish in early Chinese understanding of justice or *yi*. It is certainly a different kind of "individuality" [than was] intended by Mill or Rawls, but not necessarily untenable or unimportant. Perhaps it also presents a kind of human individuality that is more "natural" or genuine, if we approach it without modern prejudices. For ancient Chinese, as I see it, such individuality and dignity do not belong exclusively to human beings, but to animals and plants as well: a lion in his commanding posture, a chimpanzee in her serene gaze, an oak tree standing under the sunshine, a reed dancing with the wind. Under this light, Jane Goodall's account of the individual characters of chimpanzees and David Abram's story of a spider are markedly more telling about the original meanings of "dignity" than Mill's and Rawls' theories of liberty.

From my response to a reviewer

Introduction: Dikē versus Yi—Two Paths of Justice

This essay explores a new possibility for justice by recapturing a line representing an early Confucian understanding of justice in the book of *Mencius*. Through a comparative study of the meanings and origins of justice symbolized by the Greek word *dikē* and the Chinese word *yi* 義, I intend to illuminate a vital dimension of social and political justice that originates in the human heart instead of reason. The dialogue between the rational and emotional paths of justice introduces an alternative voice for contemporary debate on this critical question. It anticipates a new way of justice that will preserve and promote the dignity of the individual and the solidarity of political community at once without succumbing to the violence and rigidity of traditional Western metaphysics.

Justice is one of the central concerns of human civilizations. The principle of justice constitutes the foundation of human society as it lays down the way of appropriate distribution of duties and desirables in a political community. In the West, the ideal of political justice, which originates in the divine order of the cosmos, has long been associated with laws and customs, with the sanctity of social and political institutions that stipulate and enforce the universal norm of human activities in a nation-state. Aristotle, whose political teaching epitomizes the Greek understanding of justice as it sets an important ground for Western theories of justice, defines justice as "the bond of men in states." The "administration of justice, which is the determination of what is just, is the principle of order in political society."¹ Justice is the underlying principle for the governing structures of a political society; it normalizes the

fair and equitable social and political distinctions and divisions necessary for the unity and harmony of pluralistic elements in a state.

Man, for Aristotle, is “*by nature* a political animal.”² This is so because the human being is the “only animal who has the gift of speech (*logos*).”³ Remarkably, *logos*, the crucial concept of Greek philosophy that has given birth to the word “logic,” carries also the meanings of “gathering,” “ratio,” and “reason.” The core of the Greek ideal of justice, indeed, lies in the fundamental principle of logic and reason—the law of contradiction that is impregnated in the subject-predicate grammatical structure of the ancient Greek language. One of the primary functions of human speech, hence, is to communicate the heavenly order to the human world in the form of laws and customs, which decree the norm for the sentence and the judgment of just and unjust, right and wrong, and good and evil that make possible the functioning of a community of different human beings.⁴ By virtue of the authority of laws and customs, justice formulates the proper way of communal life under a rational structure that sustains the culture and coalescence of a diversity of individuals within the confines of a political order. The word “justice” thus implicates a cluster of meanings such as “way or path (especially the normal course of nature), custom, usage, law, order, right, judicial proceedings, trial, punishment, union or conjunction,” which are all, in one way or another, traceable to the ancient Greek word *dikē*.⁵

Ironically, the principle of justice, which is necessary for the organization and development of human civilizations, has also another face, one of brutality and severity. Let us recall that even at the peak of its democracy, the ancient Greek city-state of Athens recognized no more than a tenth of her total population as lawful citizens (i.e., native and free male adults) entitled to the administration of justice and basic political rights.⁶ The universal norm of justice only asserts itself through the exclusive power of the privileged few who assume for themselves a position at the top of the political hierarchy by virtue of their divine gift of reason. According to Aristotle’s ontology and teleology, all plants exist for the sake of animals, and all other animals exist for the sake of man.⁷ The war of human beings against the wild beasts for the sake of acquisition, the subjugation of the irrational and depraved, who are “intended by nature to be governed,” therefore, is “naturally just.”⁸ The “justice” of such exploitation and domination stems from a hierarchical structure of Being that prioritizes rational human beings in the metaphysical order of the universe—an order that *ought* to be endorsed and enforced in a political society. The ideal of justice, in order to implant the rational hierarchy of nature in a city-state, has every right to establish itself through the domination of masters over slaves, men over women, fathers over sons, the rational over the wanton, human beings over animals and plants and over the surrounding natural world—in sum, the chosen over the abandoned, the faithful over the heathen, the strong over the weak. Justice, indeed, is a double-edged sword. Under the supreme authority of the law of contradiction, the principle of justice, which regulates social distinctions and divisions, inevitably invites social opposition and oppression.⁹

This violence of justice, as I see it, is not accidental; it cannot be attributed to some flaws of reasoning in such thinkers as Aristotle. Rather, the root of this violence

can only be sought in the hierarchical obdurateness of a commanding dimension in Western ontology and metaphysics that has continued to register the origin of justice in Being, the ground of Right in Might.¹⁰ It was long embedded in the Greek *logos*, which prescribed the ideal of man as the master of nature.

Justice is not only a double-edged sword but also a double-edged word. Its very meaning epitomizes the perennial and paradoxical tension between the liberty and autonomy of the individual and the abstract and absolute authority of the state. How is a just organizing principle for the effective and efficient function of political society to be secured without deprecating the humanity of *any* individual? How is the possibility of justice to be realized without invoking the violence of metaphysics? How can we espouse the freedoms and rights of individuals under a rational governing structure without reducing them to egoistic and atomistic entities and subjecting them to the growing danger of alienation under modernity? These are some of the major problematics for a contemporary discourse on justice. Here, we can note two of the most recent and eminent approaches, represented by John Rawls and Jacques Derrida.

By reclaiming and reforming a traditional Western sense of justice as fairness, John Rawls constructed a theory that spells out in specific and concrete terms the general principles of equitability that seem to be tacitly presupposed in the modern social contract theories of Locke, Rousseau, and Kant. For Rawls, this new contract theory establishes a point of equilibrium between the equality of basic rights, opportunities, and duties and the inequalities of social and economic division that are necessary for the function and advancement of political society. Constricting the concept of rationality to something that is merely instrumental,¹¹ however, it virtually refines and restructures a utilitarian principle that has immediate relevance to social and economic distribution in the modern Western world.¹² Rawls' indebtedness to traditional Western theories of justice is not hard to discern. The wish, it seems, is to circumscribe a set of narrow but functional principles of distributive justice that may at once rescue the Western legacy of humanity and rationality for modern political economy and circumvent the violence and difficulties involved in the traditional metaphysics of morals.

On the other hand, in the wake of radical critiques of the Western tradition by Nietzsche, Marx, Freud, Heidegger, Foucault, and Levinas, Derrida has dared to recapture the question of justice through a ground-breaking thesis: "Deconstruction is justice."¹³ For Derrida, there is no possibility of justice without shattering the illusory authority of laws and norms and overcoming the violence ingrained in the "Logocentrism" of Western metaphysics. Since the ground of laws and norms, the mystical origin of their authority, cannot "rest on anything but themselves, they are themselves a violence without ground."¹⁴ The possibility of justice, therefore, can only be explored beyond the boundary of law. We can only anticipate its arrival (*avenir*¹⁵) in the encounter and engagement with the paradoxical situations haunted by the ghosts of infinity, impossibility, and undecidability. Justice, which according to tradition stipulates the proper path of human life, may only come when we have an experience of the *aporia* (non-road) of the human condition, when we have the

courage to travel off our accustomed beaten track. To enter into this impasse of justice is to instigate a *madness* that rips open the dominant hierarchical structure of Western being and *logos* governed by the law of contradiction and thus to release the individual for an infinite experience of freedom, responsibility, and singularity. As long as we attend to the origin of its voice, indeed, the concept of justice, as represented through singular idioms like *Dikē*, *Jus*, *justitia*, *justice*, and *Gerechtigkeit*, despite or even because of its pretension of universality, “always addresses itself to singularity, to the singularity of the other.”¹⁶

Rawls’ and Derrida’s revolutionary approaches to justice have generated provocative and productive debates among contemporary philosophers. The purpose of this essay, however, is to broach a new front for contemporary discourse on this issue by retrieving a line of early Confucian thinking that culminates in Mencius’ political teachings. Through a critical examination of the meanings and origins of justice in early Chinese language and moral practice, I intend to illuminate a possibility of justice that has been largely overlooked by contemporary Western thinkers—a dimension of justice that is not dictated by human reason but induced and nourished by the human heart, that is, by human emotion and affection. With attention to the crucial differences between the Chinese and Western traditions, my investigation expects to pave the way for a dialogue between early Confucian teachings on *yi* crystallizing in the book of *Mencius* and ancient Greek theories of *dikē* exemplified in Aristotle’s political philosophy.

We can trace the pervasive Western oversight of the importance of human emotion to the question of justice to the perennial dichotomy of reason (*logos*) and emotion (*pathos*), norm (*nomos*) and nature (*phusis*, i.e., earthly, imperfect human nature compared with cosmological order), and form and matter that is impregnated in ancient Greek thought. By defining the parties in the initial situation as “rational and *mutually disinterested*,”¹⁷ Rawls obviously carries on a traditional Western antipathy toward human emotion, whose meddling will only impede the possibility of justice. Derrida’s emphasis on the *madness* in the moment of decision for the undecidable, on the contrary, is purported to overthrow the hierarchical structure dominated by the supremacy of reason and law. And yet, the very choice of madness as the representative human emotion opposite to reason has *presupposed* a traditional “negative” conception of human emotion and thus virtually assumed a dominant Western prejudice for the “natural” wantonness of human feelings. One of the major ambitions of my comparative study is to reveal a valence in human affection and emotion—as manifested in such tender feelings as love and compassion, which are crucial for early Confucian understandings of justice—that has been persistently overlooked under the prevailing Western polar opposition between reason and emotion: a valence of human affection that does not come from its intensity or wildness, but originates in its gentle function of instillation and nurture.

Is it not obvious that the deprecating attitude toward human emotion stems from the authority of the Greek *logos* that proclaims the essence of man in his rationality? Ancient Chinese, remarkably, never defined human beings as rational animals. In-

stead, in the *Book of Decorum*, it is said that “humans are the heart of sky and earth.”¹⁸ This emotional understanding of the fundamental human condition on the basis of the heart, which is pivotal to the unique character of ancient Chinese culture and moral practice, has also produced a different path of justice (*yi*) in early Chinese thinking, which is recovered and restored in the moral teachings of Confucius and his followers.

The Western concept of justice, which originates in the Greek *dikē*, is haunted by the dominance of reason over emotion, of the universal norm of the state over the liberty of the individual. My project in this essay is to bring to light a crucial dimension of early Confucian thinking that instills and shelters a distinctive Chinese path of justice that prioritizes human affection and the dignity of the individual. One of the root meanings of the Chinese word *yi*, whose origin is closely associated with another word *yi* 誼 (friendship, affinity), is “the dignity of the self.” This preeminent importance of individuality and human affection reflects a distinctive Confucian approach to social and political integration that is not enforced through laws and norms, but induced through a gradual process of moral cultivation and the promotion of emotional attachment among different individuals in a society. Granted, laws and norms also constitute one of the basic meanings of *yi*. But as an important *instrument* for regulating the proper way of social and economic circulation, they were never granted the abstract and absolute authority that they attained in ancient Greek philosophy. A great man, according to Mencius, will not perform in accord with “rules of justice that are not just.”¹⁹ The final judgment of justice, thus, does not consist in the conformation to preestablished moral norms or principles. Nor does it rely on the supreme command of social or divine authorities, or the authority of reason. The judgment of justice originates in the human heart,²⁰ which alone possesses the higher power to repeal and rectify the unjust commands of social and divine authorities. The people, Mencius announces famously, “are the noblest, the gods of earth and the gods of grain come next, and the monarch the last.”²¹ The ground of justice, which for Mencius articulates “the *sensus communis* of the hearts,”²² lies in the hearts of the people. The ground of justice is humaneness (*ren* 仁), the origin of which is none other than the human heart.²³

The recognition of the hearts of the people as the ground of justice appears to overturn the traditional social hierarchy as it dissolves the towering authority of the monarchs and gods. Like ancient Greek and many other early civilizations, ancient Chinese culture was inhabited by structural dichotomies like good and evil, just and unjust, reason and emotion, being and nothing, presence and absence, and, most famously, *yang* and *yin*, which infiltrated every aspect of ancient Chinese life. But in contrast to the Greek *logos*, which stressed the mutual exclusivity of binary opposites and the metaphysical priority of being over nothing, presence over absence, male over female, and the strong over the weak, the ancient Chinese attitude toward bipolar relations was much more open and flexible. For ancient Chinese, the movement of *yin* and *yang*, the prototype of all binary opposites in nature and human life, is such that they are not repulsive and exclusive. They maintain a reciprocal and in-

terdependent relationship as they frequently interact upon and transform into each other. Curiously, more often than not it is the weak, the feminine, the lower, that is, the *yin*, that turns out to be what is preferable.

In contrast with Western metaphysics, which pivots around the priority and gravity of Being, ancient Chinese thinking maintains a humble deference for the void and emptiness. It is *wu* 無, nothing, that describes the origin, *dao*—the guiding word of the early Chinese way of living: a *singulare tantum* that can no more be translated than the Greek *logos*.²⁴ The law of contradiction, which stands for the supreme principle of reason in the West, was never formally established in ancient Chinese thinking. Indeed, with constant care and reverence for the unpredictable movements of *yin* and *yang*, the Chinese path of justice falls nothing short of a process of untiring tempering and reconciliation of this eternal and inviolable law of the cosmos. It is a path enchanted unremittingly by poetical elegies in which the sincerity of the warm heart thaws out the authority of cold reason, and the broad and benevolent bosom of mother earth attenuates and domesticates the absolute and apathetic will of father heaven.

A Genealogical Account of the Meanings of Yi

Both the Chinese word *yi* and the Greek word *dikē* implicate the order of a certain hierarchical governing structure that instigates and maintains the unity and harmony of pluralistic elements in a political community. But in contrast to the abstract and absolute power of law and reason ingrained in the ancient Greek path of justice, the ancient Chinese understanding of justice, as evidenced by the root meanings of the Chinese word *yi*, is characterized by a unique emphasis on human affection and the dignity of the individual. With constant attention to the congruity and complementarity between binary opposites, between *yin* and *yang*, the early Confucian teaching represented and recuperated a primordial Chinese way of justice that, in the very enactment of the hierarchical structure necessary for the function of a political order, softened and reconciled the repulsive conflict and tension between social dichotomies. It promised a harmony and a coalescence of different individuals in a society that does not rely primarily on the authoritative commands of a rational governing structure, but on the love and compassion of the human heart.

One of the main purposes of this essay is to reveal and explicate this priority of human affection and individuality in the early Confucian way of justice, which achieves its full development and articulation in the book of *Mencius*. For Mencius, justice is one of the most important virtues, the consummation of one's moral character. Humaneness and justice name the beginning and the end of moral self-cultivation. It is only when we "settle ourselves in humaneness and follow the path of justice" (居仁由義)²⁵ that we can discover the way of the human being,²⁶ the truth (*dao*)²⁷ of human living upon the earth.

Scholarly investigations into the meanings and origins of justice in Mencius or in early Chinese thinking in general remain few and far between. Some leading contemporary scholars, taking their points of departure from Western philosophical cat-

egories, have interpreted *yi* as a “universal and total principle which applies to every particular case of judging the worthiness or unworthiness of an action,”²⁸ “an ethical attribute of a person,” “a quality of actions,”²⁹ or a “personal disclosure of significance” that is “coextensive with the process of self-realization”³⁰ in the sense of “person making.”³¹ Granted, these interpretations point to different aspects of *yi* that are comparable with Western conceptions of justice and the human subject. The aim of this study, however, is to recall and recover a line of early Confucian thought that has been largely overlooked under the presumed supremacy of Western metaphysics—a line of interpretation that may contain considerable disparities with prevalent scholarly opinions.

But how can this interpretation, which may not meet the immediate approval of the philosophical community, be justified? What kind of authority and authenticity does it possess in order to override the other prevailing interpretations? Apart from a coherent and consistent narrative and a compilation of textual evidence that I will present shortly, which may not go undisputed, I have nothing to offer except for an earnest heart and a clear conscience. I dare not, therefore, claim any authenticity or authority. Even the “correctness” or “accuracy” of my interpretation may well be called into question. If Derrida is “right” about writing, then my interpretation, the very practice of my writing as interpreting, cannot dominate its subject matter absolutely. It inevitably involves letting myself “be governed by the system” of a language,³² namely modern English, with which I do not even have a native familiarity. What my writing and interpretation can achieve, at best, it seems, is merely a *supplement* to the original Confucian text—one of its many “substitutive significations which could only come forth in a chain of differential references, the ‘real’ supervening, and being added only while taking on meaning from a trace and from an invocation of the supplement.”³³ My intention, if we can resort to the analogy of musical performance in this context, is not to establish an authentic or authoritative version of playing that would bring the hermeneutical practice to a conclusive closure. The hope, rather, is to set it free from the hermeneutical violence of “orthodox” interpretations, to shelter and inspire an infinite process of engagement with the text through incisive adventure into its elusive origins, and thus to revitalize the life of the ancient text by incessantly exploring and disclosing new junctures of enactment.

Presumably, the recovery of the meanings of an ancient text is only possible when we attend deferentially to the manner in which the language of a text speaks, when we listen patiently and carefully to the invocation of the word that addresses us. As a prelude to my interpretation of Mencius, therefore, I will devote the rest of this section to a genealogical account of the meanings of the Chinese word *yi*. The tentative goal of this study is to demonstrate the priority of individual dignity and interpersonal affinity in the genealogy of the meanings of *yi* and to illuminate their foundational roles for the early Chinese understanding of justice.

The *Encyclopedic Dictionary of the Chinese Language* includes the following major significations of *yi*: “the dignity and majesty of the self, the demeanor of the self, what is appropriate, right, custom, law, rule of decorum, justice, reason or principle, a path or way, judgment or to judge, to gather, join, or bring something into

harmony with [other things], interests or profits, bestowing of favor and charity, and the meanings of classics."³⁴ Contemporary Chinese and Western scholars have not reached any final consensus on the etymological origin of *yi* 義, or its relation to a number of important homonymous cognates such as 宜, 儀, and 誼. Apparently, a systematic investigation into the meanings and origin of *yi* 義 requires a separate project.³⁵ In what follows, I will try to work out a path toward a possible unity of some of the most important meanings of *yi* by taking Xu Shen's gloss in his famous *Shuo Wen* as a guide.

Xu Shen defines *yi* 義 as "the *weiyi* 威儀 of the self," which I translate as "the dignity, majesty, or respectable countenance of the self." The Chinese phrase *weiyi* involves some ambiguities that must be clarified first. In the early Chinese classics, *weiyi* can denote specific rules of decorum,³⁶ which does not fit into this context. The literal sense of *weiyi* is simply "respectable countenance or demeanor." We can acquire a deep insight into the multiple connotations of this phrase by looking into the meanings of its two constitutive characters *wei* 威 and *yi* 儀, respectively. The original meaning of *wei* 威 is the same as *wei* 畏, meaning awe, anxiety, fright, or awe-inspiring, awesome, frightening. These two cognates are often used interchangeably in early Chinese texts.³⁷ The feeling of awe and anxiety belong to the attitude of reverence (*jing* 敬), which plays a central role in the origin of early Confucian thinking.³⁸ The *Book of Decorum* takes as the most important reverence the reverence for the self, that is, the reverence for one's body (*shen* 身).³⁹ For the early Chinese, indeed, what is awe-inspiring lies primarily in one's solemn countenance and deportment. The character *wei* 威, accordingly, has already the meaning of *weiyi* 威儀, that is, one's respectable countenance and demeanor.⁴⁰ Remarkably, the character *yi* 儀 is a cognate of *yi* 義, which actually stands for *yi* 儀 in the earliest writings. The primary meaning of *yi* 儀 can be identified as "to imitate, to emulate, to follow suit," or "what can be taken as the paradigm, standard, or model" that one emulates, such as the awesome appearances (*biao* 表) of certain human and natural beings. The secondary meanings of *yi* 儀, in turn, include not only "customs, norms, rules of decorum," but also *weiyi*, that is, "one's dignified bearing or appearance."⁴¹

Both *wei* and *yi*, thus, carry already the meaning of *weiyi*. While the character *wei* stresses the solemnity and majesty of one's posture and countenance, the character *yi* has its emphasis in the good, right, and appropriate bearing and appearance that set an example for others. The formation of the idiom *weiyi* reminds us of the structure of such conjoined English-language twins as heart and soul, part and parcel, and hustle and bustle. As for what defines the original meaning of *yi* 義 and what grounds the early Confucian moral practice of *weiyi* and its various manifestations, explanations abound in the early Chinese classics. Confucius takes one's confident self-composure (*weiyi*) as the highest kind of decorum that is beyond precise explanation.⁴² A verse in the *Book of Poetry* summons the king to be "reverent and prudent about his dignified demeanor (*weiyi*), as it is a paradigm for the people."⁴³ A line in the poem "Chexia" compares the virtues and deeds of the ancients to high mountains that one looks up to and broad ways that one follows.⁴⁴ Although there is no direct reference to *weiyi* in this context, the implication of such dignified char-

acter and bearing seems to speak for itself. In *Zuo's Commentary on the Spring and Autumn Annals*, we find a meticulous elaboration on the social importance of *weiyi* and its specific manifestations—awe-inspiring bearing, laudable contribution, deliberate movement, respectable countenance, exemplary deed, pleasing voice, graceful performance, elegant speech, and so on.⁴⁵

Xu Shen's definition of *yi* 義 in terms of *weiyi*, that is, the dignity and respectable countenance and demeanor of the self, agrees well with the configuration of the character for *yi*. In his annotation on Xu's definition, Duan Yucai takes the formation of the character as an instance of an associative compound (*huiyi* 會意). *Yi* is composed of two other characters, *yang* 羊 (goat, sheep) and *wo* 我 (I, self). The primary meaning of *yi*, as indicated by the image projected by its character, is the same as that of *wo*, the human self. Duan elaborates: "The dignity and respectable countenance (*weiyi*) rise out of one's self. . . . *Yi* refers to the self."⁴⁶ The sense of dignity and majesty, on the other hand, stems from the other constitutive character *yang*. With the component *yang*, *yi* "shares the same meaning as *shan* 善 (good, auspicious) and *mei* 美 (beautiful)."⁴⁷ The Chinese characters for good (*shan* 善), just (*yi* 義), and beautiful (*mei* 美) all share the same component *yang* 羊, which means "goat or sheep." In ancient China, goats and sheep were considered among the best animals for sacrifice in ritual ceremonies (*li* 禮). The proper use of the sacrificial animal invites the blessing of the gods. It brings the human and the divine, the earth and sky (*tian* 天) together in a harmonious concurrence. Only when humans elicit and preserve the jointure⁴⁸ of the fourfold with reverence and prudence, would they attain the dignity and majesty of their self and open up a way of living (*yi* 宜)⁴⁹ that is at once auspicious, good, just, and beautiful.⁵⁰

It is clear that the original meaning of *yi* lies in the individual human self. Now let us trace the development of its meanings from the dignity of the individual to the norm of a society by investigating its usage in various early Chinese texts. Mo Zi claimed that in the very beginning of human history, when there was no political leadership or government, everyone had his own *yi*, that is, his own special dignity and respectable demeanor.⁵¹ If we recall that one of the oldest meanings of *yi* is "path or way,"⁵² then it can be said that in the earliest society, everyone had his or her own way of attaining and expressing dignity and nobility. But when all affirmed their own *yi* and refuted the *yi* of others, everyone ended up contradicting each other. As a result, "the world became as chaotic as the world of birds and beasts." In Mo Zi's view, the only solution to this kind of anarchy was to elect a sagacious leader who was capable of unifying all of the different approaches to individual dignity and nobility: "So, they elected one who was virtuous, wise, and eloquent to be the king and asked him to bring the different ways in the world into unity."⁵³ Mo Zi's political teachings, such as the reduction of ritual formalities, the universal and equal love for all people in a society, and the sponsorship of a common faith in religious authority, are all oriented toward the subordination of society to a universal political order and structure on the basis of the established authority of political leaders.

This political ideal, which borders on a kind of utilitarianism, engendered little sympathy among early Confucians like Xun Zi. In a stern rebuke, Xun Zi accused Mo

Zi of “admiring efficiency and utility, overstressing thrift and ritual simplicity, and ignoring social distinctions.”⁵⁴ But at least in regard to the difference between humans and animals, Xun Zi seemed to concur with Mo Zi that humans are superior and nobler because of their ability to form a community with a unified order and structure: “How can humans live in a community? By virtue of division. How can division be performed? By virtue of justice (*yi*). So, division with justice leads to harmony; harmony leads to the unity of the community.”⁵⁵

Yi, remarkably, carries the verbal sense of “to decide, to divide, to regulate, to adjudicate.” The *Shiming* defines the purpose of *yi* as “to divide and regulate things and events so as to make them accord with one other.”⁵⁶ *Yi* means to decide and allocate an appropriate (*yi* 宜) position for each individual in accord with her personality and capability so as to bring the whole community into a state of order and harmony. Only in a harmonious and unified community where all individuals know their appropriate positions would these individuals be able to discover and attain their genuine dignity and nobility. *Yi*, therefore, has the essential meaning of “appropriate, suitable, proper, and right.” As to what kind of division and regulation is “appropriate” for the peace and harmony of a community, opinions differ. For the early Confucians at least, the answer lay in the rule of decorum, which is also a rule of reason. Mencius compared the rule of decorum (*li* 禮) to the entrance to the way of justice (*yi*).⁵⁷ Xun Zi took this metaphor and coupled the character *li* and *yi* together; decorum and justice (*liyi* 禮義), according to Xun Zi, “is the beginning of order and harmony.”⁵⁸ The essence of the rule of decorum and justice lies in *li* 理, reason or principle.⁵⁹ As that which determines the appropriate organization of a harmonious community, *yi* also conveys the idea of “custom,” “reason,” “principle,” and derivatively the idea of “norm” or “law.”

The development of the meaning of *yi* from the dignity of an individual to the laws and principles for a whole society reminds us of the genealogy of another word, *li* 理, whose original meaning is “to carve a piece of uncut jade into a refined jade article,” to sculpt it into a work of art. As a verb, *li* has the meaning of “to cut, to divide, to analyze different things in accord with their particular features and lineaments.” As a noun, accordingly, *li* refers to “the different features and lineaments of individual things.”⁶⁰ “Everything in the world has its own particular *li*.”⁶¹ As the division and regulation of different things is often performed according to certain rules and principles, *li* also acquires the meaning of “rule,” “principle,” “law,”⁶² or “to be in the proper order in accord with certain norms and principles.”⁶³ When used to indicate the proper order of human society, the meaning of *li* agrees with that of *li* 禮, the rule of decorum. In ancient Chinese texts the meanings of *li* 理, *li* 禮, and *yi* indeed often overlap. But, strictly speaking, while the concept of *li* 理 involves the general organization of all beings on the basis of proper reason and principle, the concept of *yi* refers specifically to order and harmony in the community by virtue of the rules of decorum.⁶⁴

The Greek word *dikē* stems from the divine ideal of justice that stipulates the universal law of human existence. It refers primarily to the quality of justice in a state in which the government resembles the rational order of the cosmos. Only in a de-

rivative sense does such justice describe the virtue of individuals who are capable of performing fixed and definite duties regulated by the state. The early Chinese understanding of *yi*, in comparison, does not “presuppose” a determinate divine ideal of justice, which is then imposed upon the human community as an overarching rational order or structure. While the Greek *dikē* is focused on the universal order of the cosmos and the state, the starting point of the early Chinese understanding of justice (*yi*) is the individual and the dignity of the self. The senses of norm, principle, and law remain derivative and secondary. The center of gravity of early Chinese life, unlike that of Greek life, was not confined to the *polis*, to the nation-state, established in accord with the divine order of the cosmos or the universal law of nature. Nor were early Confucians preoccupied with any determinate set of orders or norms whose enforcement would *guarantee* a secure path toward the peace and prosperity of their living upon the earth. Rather, their political ambition lay in achieving a great harmony (*datong* 大同) in the whole “world.” However narrow the early Chinese conception of the “world” may appear today, it was their unremitting aspiration to bring all people under the sky into a peaceful and prosperous family that would shelter and foster the growth of every individual toward their own dignity.⁶⁵

In the light of this thinking, the true dignity of the self is only realized with the peace and harmony of the historical community to which one belongs. And as a family, a community does not obtain its order and harmony through the enjoining power of certain social or divine authorities, but through love and care among different individuals, such as the benevolence of the father and the filial devotion of the son, and the kindness of the older brother and the respect of the younger brother.⁶⁶

According to *Duan’s Commentary on the Shuo Wen*, humaneness (*ren*) refers to the love of (other) persons, while *yi* refers to the dignity of the self. Therefore, “humaneness must involve others, and justice (*yi*) must be a decision made from one’s own heart.”⁶⁷ The origin of justice, which involves primarily the dignity of the self, lies in the human heart, which decides what is appropriate in every concrete human situation. It summons up care and reverence for one’s passing life upon the earth as well as love and compassion for other human beings. It is through the humane love of others that one may finally achieve the dignity of the self. The ground of justice, as the *Book of Decorum* says, is “humaneness”⁶⁸—the humane love of others. But for early Confucians, one did not love one’s neighbor because of the mandate of heaven or the universal cosmogonic principle. Rather, the love of other human beings emerged out of one’s daily contacts and communications with them as flesh-and-blood individuals; it stemmed from the familiarity with and respect for their dignified appearance and personality. Only through such genuine love and friendship, only when different individuals are capable of opening themselves to and being affected (*gantong* 感通)⁶⁹ by one another, will the conjunction of different individuals in a community really take place. The ultimate ground of a peaceful and harmonious community is not the sacred power of some divine or societal authority, but the genuine care and reverence among individual persons within the community. The root of justice lies in the *sensus communis* of the human heart.

Justice as the Sensus Communis of the Heart

In its original sense, the word *yi* refers to the dignity, the respectable countenance and bearing of the individual, which manifests itself when an auspicious, poetical human life is taking place at the jointure of heaven and earth, the human and the divine. For the early Chinese, human beings “are the truth (*de* 德, spiritual power, virtue, nature, *aletheia*)⁷⁰ of heaven and earth; they emerge out of the intercourse of *yin* and *yang*, the convergence of spirits and gods, and the blooming animus of the five elements of nature.”⁷¹ The senses of norm, principle, or law remain derivative and secondary. The early Chinese understanding of justice, accordingly, has little to do with the fixation and enforcement of an overpowering governing structure with which every individual must comply. For Mencius and other early Confucian thinkers, the great harmony of the world could not be achieved through the “imposition” of a normative structure or order, but rather by fostering gentle love and friendship among individual members of a community.⁷² The ground of justice is humaneness, *ren*, the humane love that arises from the “human heart.” The germ of humaneness, as Mencius elaborates, is “the sense (*xin* 心, heart) of commiseration,”⁷³ which only manifests itself when people have sincere respect and sympathy for the person and the humanity of one another. Humaneness and justice are “not something external imposed upon me; they belong to my most innate self.”⁷⁴ Humaneness and justice are innate in the self because they originate in the human heart. The root of justice as the principle of social division and organization is “the *sensus communis* of the heart.” Human beings are capable of living in a just and harmonious community because human beings, in their open and affectionate comportment with other human and natural beings, are able to install and preserve a poetical way of human living at the jointure of the world’s fourfold union, because human beings are the “heart of sky and earth.”⁷⁵

By identifying the ground of justice in the *sensus communis* of the heart, in the hearts of the people, it would appear that Mencius restored priority to human affection, and this is reflected in the origins of the meanings of *yi*, which will be elaborated in the last section below. The word *yi* 義 has a cognate, *yi* 誼, which in contemporary Chinese means primarily “amity,” “friendship,” and “rapport.” In early Chinese writings, 義 and 誼 are often used interchangeably in the sense of “to divide and regulate things and events, to make them appropriate,” or the “reason” or “principle” of such divisions and decisions. According to Duan Yucai’s *Commentary on the Shuo Wen*, the conventional usage of his day takes *yi* 誼 to mean amity and friendship, a usage that Duan designates as vulgar and unorthodox.⁷⁶ As the exact origin of this meaning and its relation to the two cognates remain uncertain, the vulgar, folk usage may well offer some important clues. It seems that the sense of amity and friendship may initially have belonged to both characters, with 誼 becoming dominant in later usage.

That *yi* 義 carries also the meanings of “amity,” “friendship,” and “rapport” seems to have escaped the attention of most early and contemporary Chinese scholars. The *Encyclopedic Dictionary of the Chinese Language* identifies *yi* 義 only as a

cognate of *yi* 誼, without elaborating on how their meanings overlap. For those who keep their eyes open, however, the instances of the use of *yi* 義 in the sense of “amity” or “friendship” are many. The *Zhuang Zi* relates a common understanding of the meanings of humaneness and justice (*renyi* 仁義) in the words of Confucius: “to sustain happy and harmonious relations with others at heart and to have selfless love for all individuals: such is the affection . . . [characterized by] humaneness and justice.”⁷⁷ The primary meanings of humaneness and justice, accordingly, have little to do with norms or principles; instead they involve affection: genuine amity and friendship with other human beings in the same community—an affection that brings happiness to all. In ancient Chinese texts, *yi* 義 is often coupled with *en* 恩 (favor, kindness, grace, love, affection) or *qing* 情 (affection, emotion, love, feeling, favor) to describe amicable relations between superiors and subordinates, older and younger brothers, husbands and wives, and young men and women in love.⁷⁸ The poem “Flowering Almond” in the *Book of Poetry*, for example, takes the blooming oriental bush cherry as a metaphor for the shining love and respect (*enyi* 恩義) between two brothers.⁷⁹ According to a dialogue in “The Principle of Government” in the *Shuoyuan* 說苑, “the way (*dao*) of ordering a state and the path (of justice) (*yi* 義/誼) in employing the people” consist in nothing but “loving the people.”⁸⁰ We can see that although the sense of amity and friendship might not be the most original meaning of *yi*, the evidence for its presence is abundant and compelling.

Bangu’s “Youtongfu” alludes to a famous expression in the *Mencius*—“give up one’s life for the sake of justice (*yi* 義)”—but changes the character 義 to 誼.⁸¹ Confucius says that “men with ambition for justice and humaneness will never compromise humaneness for the sake of their lives, but may well sacrifice themselves for the accomplishment of humaneness.”⁸² To sacrifice oneself for the accomplishment of humaneness and to give up one’s life for the sake of justice spell out two aspects of the same aspiration to attain one’s true dignity through sincere and devoted relationships with other human beings. Although we should not restrict the meanings of these two expressions to “to die for the sake of friendship,” such an implication is well established in their common usage. For ancient Chinese, to sacrifice one’s life for one’s friends was a highly esteemed act. The love and compassion between two individuals constitutes the foundation of peace and harmony in the entire community, for it is only within the latter that an individual might attain true dignity and nobility.

In his *History*, Sima Qian recounts the lively story of Yu Rang, which well illustrates the essence of dignified bearing. In this story, Count Zhi, who had seized the sovereign of the state of Jin and who had treated Yu Rang with great honor and favor, was defeated and killed by Viscount Xiang of Zhao. Xiang hated Zhi so much that he had Zhi’s head painted and made into a drinking instrument. Deeply offended, Yu Rang swore to avenge Zhi’s death: “a noble person will die for those who recognize and appreciate his personality and ability.” Not hesitating to transform his appearance into that of a lowly servant, Yu attempted to assassinate Xiang twice but was captured each time. Admiring him as a man of great justice and dignity (*xiangzi da yi zhi* 襄子大義之), however, Xiang released Yu the first time and then agreed to have

his own coat be stabbed by Yu before executing him the second time. Yu drew his sword, jumped up, and attacked the coat three times, saying, "I can now requite Count Zhi's kindness in the nether world!" He then took his own life with his sword. "On that day, having heard about his death, all people of integrity and ambition in the state of Zhao shed tears for him."⁸³

The story of Yu's resolve to sacrifice himself for those who recognized and appreciated his personal attributes and abilities is as admirable as it is heartrending. But for early Chinese thinkers, such loyalty and devotion to friendship illustrates only a lower kind of dignity and justice; they are the germs of *yi*, not its highest exemplification. Humaneness and justice—let us recall the line in the *Zhuang Zi*—originate in the selfless love that brings all individuals in the community into a happy and peaceful harmony. Mencius spells out the path toward such selfless love as the "extension" of one's love emanating from the sense of compassion one has for one's family members, friends, a newborn baby in mortal danger, or an innocent ox shivering before sacrifice:

Respect the old in your family so that you may respect the old in the family of others, care for the young in your family so that you may care for the young in the family of others; you can have the world in the palm of your hand. . . . Therefore, extending your love and kindness, you have enough to preserve the whole land within four seas; not extending your love and kindness, you have nothing that can preserve your own wife and children.⁸⁴

Justice, for Mencius, is the "*sensus communis* of the heart." It brings peace and harmony to the community of a historical people as it strikes love and happiness into their hearts. The highest personification of justice belongs to those sages who are capable of rising above their personal likes and dislikes and discovering and disclosing the *sensus communis* of the hearts of the people. The highest example of the affection associated with humaneness and justice is the opening of one's heart to the joys and sorrows of the people, the associating of one's own joys and sorrows with what pleases and concerns the people. When one rejoices at the joys of the people, "the people also rejoice at his joy; when one cares for the concerns of the people, the people also care for his concerns. It has never been the case that one bases his joys and cares on the joys and cares of the people without attaining the kingship of the whole world."⁸⁵ Only a sage who discovers and attunes himself to the *sensus communis* of the hearts of the people is able to reach the true kingship of the whole world: "There is a way to win the world: win the people, and you will win the world. There is a way to win the people: win their hearts, and you will win the people."⁸⁶ The highest dignity and justice, therefore, lie in the care and reverence for the people.

In discovering the *sensus communis* of the heart one also realizes the deepest and truest nature of one's self: "He who brings out his heart to the full knows his nature; he who knows his nature knows heaven!"⁸⁷ The mandate of heaven, which in its silent and unpredictable way determines one's original nature, does not embody itself in the supreme norms and principles of divine authority, but in the hearts

of the people. For heaven “sees through the eyes of the people; heaven hears through the ears of the people.”⁸⁸ It is by attuning one’s heart to the joys and concerns of the people that one may understand the inscrutable ways of heaven and attain the highest level of dignity of the self as one embarks on the most auspicious path toward human living between sky and earth that is at same time just, good, and beautiful.

It is clear that for Mencius both humaneness and justice are expressed internally rather than externally. My respect for the old both at home and abroad, for example, which for Mencius constitutes a major expression of justice, does not stem from their “external” quality of advanced age, but from the moral decision of the human heart.⁸⁹ The ground of justice that is expressed in the respect shown to an elder is not the external rule of decorum, nor the privileged social position the elder holds, but sincere love and reverence for the being of others originating in one’s heart of hearts. Humaneness and justice “are not something external imposed upon me; they belong to my most innate self.”⁹⁰

But here we must not confuse the internal as *mere* intention, good will, or some innate good quality. The internal refers to the origin of humaneness and justice in the human heart that is the root of compassionate relations and open comportment with human and natural beings in the world. The origin of justice lies in the sense of commiseration with other human beings, with their common destiny as they pass through this earthly dwelling place. It stems from the veneration for the dignity and individuality of the self and others that impels one toward prudent deliberation and decision about what is right and proper in every concrete human situation.

Remarkably, a judicial decision requires more than what Chung-ying Cheng describes as the simple “application” of a universal and total principle to every particular case concerning the worthiness or unworthiness of an action.⁹¹ Justice, *yi*, as Hall and Ames rightly argue, “cannot be a principle in any of the classical Western senses of that term. . . . *Yi* has normative force without itself actually constituting a norm.”⁹² For Mencius and other early Confucian thinkers, indeed, the ground of justice expressed by the rules of decorum has little to do with metaphysical norms and principles. Rather, it originates in the love and affinity between different individuals, in the common aesthetic feelings of the human heart that bring these individuals together in a peaceful and harmonious community. The rules of decorum regulate and order the activities of human society not because they carry any sacred authority in and of themselves, but because by placing every individual at the right position in accord with her personal attributes and abilities, these rules and norms let all individuals grow within a peaceful and harmonious community. The function of decorum, as Sima Qian says, is “to cultivate.”⁹³ The rules of decorum foster and nourish love and respect among different individuals so that order may be established in a community within which every individual can cultivate in herself the dignity and nobility of her being.

The common ground for the construction of human society in accord with the rules of decorum, therefore, is not the categorical imperatives of either divine or social authority, or the authority of reason, but the common aesthetic feelings, the feel-

ings of pleasure brought about by the happiness and affinity felt by people living in harmony with each other. Thus, with rules of decorum distinguishing and dividing different individuals in different social positions, it is through music that all individuals in a community attain the greatest concord and happiness. “The rules of decorum are the order of heaven and earth; music is the harmony of heaven and earth.”⁹⁴ And just as one can never produce musical rhythms by mechanically following the beat of a metronome, no harmony in society is achieved through the enforcement of a preestablished order and structure. Harmony in music emanates from the heart of a player who has genuine understanding and sympathy for the feeling and emotion inherent in the music. Concord and happiness in a society, likewise, are only achieved when everyone is attentive to the way they live their lives as they care for one another with empathy and compassion—with an affection for each other that is characterized by humaneness and justice.

Yi and Quan: Prudence and Deliberation in the Decision of Justice

In summary, justice, as Mencius understands it, is the proper way of human life, a way that leads toward the dignity, beauty, and goodness of our being. It is an auspicious way of living, determined by what is appropriate, suitable, and right for specific situations. Thus, while the rules of decorum express proper and rational behavior, the true meaning of justice is beyond the limitations of these rules. As a moral decision, justice originates in the judgments we make in our heart and our conscience, in the context of a humane concern for the people in our community. The roots of justice are not in divine or political power or in the authority of reason, but in the hearts of the people. Justice stipulates the proper way to live because it brings harmony and prosperity to the people in a community by leading them toward their true dignity and nobility.

The reluctance of Mencius and other early Confucian thinkers to submit themselves to a system of eternal and universal moral norms and principles reflects their constant awareness of the inscrutability of the way of heaven. A humble reverence for the mysteries of nature and human life led them to discover the middle ways for every concrete human situation through prudent and profound deliberation, even if they violated the established rules and norms. A great man, Mencius says, “will not act in accord with rules of decorum that go against the spirit of decorum, nor rules of justice that go against the spirit of justice.”⁹⁵ Accordingly, although it is against the rules of decorum for a man and woman to touch each other, if a man fails to offer his hand to his drowning sister-in-law, then he is no better than a wolf.⁹⁶

Mencius describes such weighing and considering in specific situations where norms and customs meet their limits as a matter of *quan* 權 (to weigh, to deliberate, to change or shift, expediency, adaptation, variation): “It is not imperative for a great man to stick to his words or see through his actions, but only to settle in the realm of justice.”⁹⁷ *Gongyang’s Commentary* defines *quan* as a decision that “can only be good after the contravention of norms and principles.”⁹⁸ Confucius regards the understanding of *quan*—to contravene the norms and principles for the sake of right

and just decisions in particular situations—as one of the most wise decisions for one’s moral cultivation in the way of truth.⁹⁹ Jiao Xun 焦循 elaborates:

Norms and principles are laws. When laws remain unchanged for a long time, their defects and disadvantages arise. So, one contravenes the law to make his way through, and it is no good to make no changes. So the good only obtains after contravention, and the way of truth (*dao*) will not be smooth without such changes. Therefore, only after contravention arrives great harmony and agreement.¹⁰⁰

In addition, commentators on the *Doctrine of the Mean* identify *quan* as that profound deliberation that enables a noble person time and again to find the mean and make manifest its origin in awe, vigilance, and prudence concerning the inscrutable ways of heaven.¹⁰¹

Qian Zhongshu singles out *quan* as one of the most important ancient Chinese ethical teachings that seems to be overlooked by contemporary scholars. Qian says that in our ethical decisions we should not confuse expediency and adaptation with the convenience of manipulating affairs to our own advantage. In the practice of *quan*, according to *Gongyang’s Commentary*, one should sacrifice one’s own interests and never do harm to others. For to allow someone else to lose their life for the sake of one’s own life is “what a noble person does not do.”¹⁰² Qian further draws a parallel between the ancient Chinese teaching of *quan* and Aristotle’s doctrine of moral choice as the “mean” that is “relative to us.”¹⁰³

As I see it, the ancient Chinese mean concerning what is right and just and the Aristotelian mean may well coincide in a number of situations, especially when decisions are made in accord with the rules of decorum that regulate the rational division and distribution of human and natural resources in a society. But there is also a critical difference between the two. Aristotle defines moral virtue as “a state of character concerned with choice, lying in a mean (*mesoteti*), that is, the mean relative to us, this being determined by a rational principle (*logō*), and by that principle by which the man of practical wisdom (*phronimos*) would determine it.”¹⁰⁴ John Burnet identifies the original meaning of the ethical mean, which is “analogous” to the mean with respect to the thing itself, as the “regular Platonic and Aristotelian way of explaining the Formal Cause.”¹⁰⁵ The mean is the oldest Greek word “for a proportion of any kind and however determined,”¹⁰⁶ such as the proportion of the number of hydrogen and oxygen atoms made manifest in the chemical formula for water, H₂O. To hit an ethical mean, for Aristotle, is to attune one’s feelings and actions prudently and rationally so as to have them “at the right time, on the right occasion, toward the right people, for the right purpose and in the right manner.”¹⁰⁷ Thus, by holding to good feelings and actions (*eupraxia*) in accordance with the ethical mean, a human being stands in the presence of what she is and so attains what it means to be her proper human self, according to the rational universal law of human nature.¹⁰⁸ With the highest ideal of moral virtue and human nature defined as reason, it seems that for Aristotle the major task of moral discretion and prudence lies in the “application” of the rational principle so that one may discover and determine

the mean under particular conditions.¹⁰⁹ Expedient behaviors contravening the rational principle, therefore, can at best be “accepted” as exceptions that prove the rule, if not as examples of utter depravity and corruption.¹¹⁰

In contrast, For Mencius and other early Confucian thinkers flexibility in one’s attitude toward norms and principles is crucial for discovering and preserving the most auspicious way that a human being may follow; it is the highest wisdom that belongs only to the sages. Liu Xie describes *quan* as “what agrees with the way of truth (*dao*) in the contravention of norms and principles and what accomplishes the good only after the contravention of the good.”¹¹¹ The decision of *quan*, in its contravention of the everyday conception of what is good and right, breaks through to the truest way toward humaneness and justice. Granted, the discretion and prudence of *quan* does not mean the abandonment of norms and principles or the disallowance of their meaning and function completely. It only cancels out their established universality and eternity as dictated by divine or societal authority. This departure from the endorsement of any universal and eternal norms and principles stems from the continual awareness that a just decision may well involve predicaments and difficulties far beyond any “rational” calculation or solution. Wang Bi states that *quan* is “the variation of the way (*dao*). Such variation has no determinate forms. As one can only divine the truth of it through intuition, its understanding depends on the capability of each individual. There is no way to have it determined beforehand; it is thus by far the most difficult.”¹¹² Identifying *quan* as a kind of cunning or shrewdness, Dong Zhongshu shows that one has to adapt herself in accord with changing situations, and describes the paradox in such moral decision making: “there is justice in injustice; there is injustice in justice”—something beyond the reach of words that can only be understood through a profound deliberation of its meaning.¹¹³

Apparently, despite the subtle differences in their interpretations of *quan*, most ancient Chinese thinkers do not take it to mean discretion or prudence in “applying” some universal rational principle to particular conditions. Rather, the discovery and determination of the mean often necessitate the displacement or contravention of established principles and norms as they require a certain flexibility in one’s engagement with changing realities in the world. To hold to the mean without flexibility (*quan*), says Mencius, “is the same as to hold to one extreme.”¹¹⁴ In a sense, the comprehension of the mean in contravention of norms and principles is similar to the ability to handle a rubato passage in a musical composition, which really distinguishes the true virtuoso performer, who genuinely understands the spirit of the music, from the academic authorities and the dilettantes. The former are too scholarly to allow for any creative renderings beyond strict conformation to the score, while the latter grant themselves so much “freedom” that they misunderstand the composer’s original rhythmic intent. At the same time, precisely because there are moments when variation and contravention break through into new ways of truth, such a departure may well signal the beginning of innovation. So it was in the case of Rosa Parks when her act of civil disobedience triggered the Civil Rights movement—if we need a more socially relevant example.¹¹⁵

In my opinion, the teaching of *quan* is the heart of the early Confucian understanding of justice. It aspires to let moral norms and rules of decorum have their proper function—to nurture the peace and harmony of a society and cultivate the moral character of individuals—without becoming entangled in theoretical demonstrations of their transcendental authority and sacredness. It thus reflects the highest and brightest middle way of Confucian moral practice, which has little to do with any metaphysical eternity or universality. This distance from metaphysical thinking is manifested in the equivocation and silence over most metaphysical questions concerning the determining foundation and purpose of nature and human life. Confucius' attitude toward religion, for example, is neither to affirm nor to negate, but to "revere the spirits and gods but distance oneself from them."¹¹⁶ Such equivocation and silence stem from the insight that the truth of the way cannot be secured through abstract reasoning and demonstration, but must be discovered and preserved in continuous engagement with the ebb and flow of human activity in the world. The good, the beautiful, and the just are not empty ideas established through logical and conceptual analysis; they describe the auspicious way through which concrete human ethical life shines forth. The discovery and comprehension of the middle way are not based on rational and theoretical calculations and demonstrations. The way of justice only opens up when we attend reverently to the call of our heart and conscience so that we may divine the unpredictable mandate of heaven, the primordial way of human living at the jointure of the world's fourfold union.¹¹⁷

With his elaboration of and emphasis on *quan*, Mencius points to a traditional Chinese understanding of justice as the middle way of human living that originates in our profound and humble reverence for the mysterious way of heaven. We can trace the origin of this understanding of justice in the instruction of the ancient sage Yao to his successor Shun: "In awe and anxiety is the human heart, as so subtle and inscrutable is the heart of the way. With conscientiousness and concentration, be sure to hold to the mean."¹¹⁸ The awe and anxiety of the human heart originates in one's reverence for the mystery of the way, which inspires one to take great care in one's undertakings so as to preserve the mean, the most appropriate way for one's life and acts. The *Book of History* records how Yao complied with the requests of all his ministers to appoint Gun as the manager of floods, even though he knew clearly that Gun was not equal to this crucial mission. Urged by his governing council to give Gun a chance at this position, Yao said simply: "Go. Be Reverent!"¹¹⁹ From a rational perspective, this suspension of good judgment is perplexing. Yao's decision, which well illustrates the early Chinese understanding of *quan*, was not "rational." The decision was neither right nor wrong; it led toward a middle way corresponding to the way of heaven, which never moves in a direction determined by reason alone but is constantly on a path that moves between chaos and order, darkness and light, concealment and disclosure, *yin* and *yang*. As Ma Rong comments, "Yao knew that this was the natural tendency at the time, which could not be stopped by human efforts. The people were destined to toil and suffer at this moment. Therefore, he yielded his correct observation in order to comply with the wrong proposals of others, and appointed Gun."¹²⁰ The *History of the Eastern Han* recounts Zheng Xin's

remark that “Yao’s employment of Gun while knowing his incompetence was to yield his correct observation so as to follow the hearts of the people.”¹²¹

Of course, to follow the hearts of the people does not mean to submit oneself blindly or timidly to the opinions or proclivities of the masses regardless of the consequences. The wisdom of Yao, instead, lay in his tacit recognition of the inevitable suffering and adversity of human life. Besides, he was courageous in leading the people through the rough and rugged path with reverence and prudence, so that the people might ultimately discover the way of truth by themselves. Therefore, after nine years, when Gun’s failure became manifest and when Shun, acting on Yao’s behalf, exiled Gun for life, “all affirmed this penalty with conviction.”¹²²

The Heart of Sky and Earth: Recovering the Sage’s Way of Justice

The way of justice, the middle way of the mean, for the early Chinese, was not a broad, smooth path determined solely by reason or an established order. To discover the way of justice was to discern, follow, and preserve the inscrutable ways of heaven—the mysterious origin of all beings in the world. To be on the way of justice meant to make one’s way from out of the miraculous, unpredictable, and tumultuous interaction between *yin* and *yang*. “The alternate procession of *yin* and *yang* is the way, *dao*.”¹²³ Since the beginning of human history, Mencius says, “order and chaos have succeeded each other.”¹²⁴ For Mencius, what is crucial to this interplay of harmony and disorder is the tension between *yi* and *li* 利, that is, between justice and personal interests, the order of the community and the petty desires of individuals, the dignity of the self and the greed of the ego. Mencius addresses this central conflict in the very first chapter of the book, arguing strongly for the advancement of humaneness and justice over the pursuit of personal interests. There is no case, as Mencius elaborates, in which “one does not reach true kingship, when the monarch and subordinates, fathers and sons, older and younger brothers all treat one another with humaneness and justice without concern for their personal interests.”¹²⁵

The early Confucian advance toward humaneness and justice over personal interests happened through a prudent and diligent moral cultivation that pervaded every aspect of daily life. For Mencius and other early Confucians, the path toward justice did not lie in the institution of norms and principles, but in the general cultivation of moral character. While it was said of the Greeks that they “do not let a man rule (*archein*), but the law,”¹²⁶ the Confucians did not let the law rule, but rather the sages, who could lead the people toward a more auspicious way of living through love and education. The *Doctrine of the Mean* states that political justice “lies in the human person. . . . When the person is alive, political justice arises; when the person is gone, political justice stops.”¹²⁷ It is human beings, as Confucius says, who are “capable of bringing the way (*dao*) to light,”¹²⁸ and “if there is not the right person, the way will not progress of itself.”¹²⁹ Xun Zi argues that “it is people who bring about peace and prosperity, never the laws. Laws cannot be autonomous, just as rules of decorum cannot function by themselves. They come into being when

there are the right persons to apply them; they come to an end when the right persons are not there.”¹³⁰

Granted, becoming a moral person is a lifelong process of cultivation the success of which often depends on the natural endowments and resolve of the individual as well as the existing social and political circumstances. When the gentle approach of love and education failed to take effect during the Eastern Zhou dynasty, it was no surprise to see the emergence of other political alternatives. Legalism, for example, stressed the autonomy and authority of law for establishing and promoting universal norms and order in a state. As the underlying ideology of the state of Qin, which completed the military conquest of China in 221 B.C., the achievement of Legalism was indeed spectacular. But ironically, for the Chinese of those times, the praiseworthy effectiveness and efficiency of the Legalist policies came to be overshadowed by its cruelty and its assault on human dignity and individuality. A thorough examination of various Legalist teachings and a comprehensive evaluation of the pros and cons of the Confucian and Legalist approaches to political order are beyond this essay. It is important to note, however, that ultimately, laws and norms were merely “instrumental,” even for such Legalists as Han Fei Zi, Guan Zi, and Shang Yang. They never attained the kind of *abstract* and *absolute* authority envisaged by Greek philosophers and enshrined in the Greek city-states.

Without a clear demonstration of the source of its power, the autonomous authority of law, although advocated by the Legalists, remained a façade. Indeed, the tension between the rule of law and the role of the monarch, who ideally should have promulgated legal regulations and then withdrawn himself from interference in their proper function, was the central paradox and unresolved difficulty of Legalist thinking. For if the ideal of justice is to rely on the wise administration and self-restraint of the monarch, then the rule of law ends up being rule by a person.¹³¹ In a sense, it is Mencius who articulated a middle way between the political approaches based on moral cultivation and laws: “good hearts alone are not enough for government, just as laws alone cannot function of themselves.”¹³²

In general, the Greeks can be said to have placed priority on the establishment of an “ideal” state in accord with divine law and order; only in a constitutional state could an individual be a good and lawful citizen.¹³³ Confucians, on the other hand, gave priority to the cultivation of the good person. The state by itself was not the center of early Chinese life. The identity and dignity of the individual, therefore, were rarely defined by or confined to his or her nationality. For a state constituted merely a provisional step toward peace and harmony in the whole world under the sky, and this cosmopolitan felicity could occur only when all human beings were actively engaged in moral practice, settled in humaneness and following the path of justice.

We should not forget the crucial educational function of laws and norms for such Greek thinkers as Plato and Aristotle. One of the primary purposes of legislation, which is the main subject matter of Aristotle’s political science, was to cultivate supreme moral character, to promote the virtue or excellence of individual citizens.

Unlike Confucian education, which emphasized the *personal* influence of a teacher and master over a student (*shenjiao* 身教), Greek pedagogical practice emphasized abstract reasoning and an impersonal imposition of the law. While the cultivation of good habits was important for both Mencius and Aristotle, the latter tended to prioritize the power of cold reason instead of warm-hearted persuasion. In Aristotle's view, the majority of men do not "by nature obey the sense of shame, but only fear, and do not abstain from bad acts because of their baseness but through fear of punishment."¹³⁴ The adoption of laws and punishments is necessary as "passion seems to yield not to argument but to force"¹³⁵—to an authority that should not be employed by any particular individual, including one's parent, but rather to the universal authority of the law. For "while people hate *men* who oppose their impulses, even if they oppose them rightly, the law in its ordaining of what is good is not burdensome."¹³⁶

This subtle difference in the Confucian and Aristotelian approaches, as I see it, indicates a dividing point between two cultural traditions guided, respectively, by the Chinese *dao* and the Greek *logos*. Aristotle's recourse to the rule of abstract law and principle is not accidental. It reflects a long-standing Western longing for purity, universality, and eternity, for truth and being in their most pure form in the world of ideas. For Greek philosophers like Aristotle, it is of the utmost importance to secure a *theoretical* ground for worldly laws and customs so that they may attain the autonomous authority that is beyond the manipulation of individual monarchs. The chaos and disorder caused by defective social and political hierarchical institutions can only be resolved through a resolute movement toward the perfection of these institutions, by incorporating them into the overarching hierarchy of Being and *Logos*. The final purpose of law as a means of moral cultivation is to promote the highest good through a life of philosophical contemplation. The justice of a city-state, therefore, must be secured and sustained within the sanctuary of the divine Intellect, in the primary being and substance, the purest actuality, God as the first, final, and highest cause of all beings in nature, whose activity lies in nothing but "the thinking of Thinking."¹³⁷

While the system of Aristotle's natural and political philosophy is open to various interpretations, it is not hard to discern that the ground of his political science is in his metaphysics, in his ontology and teleology. The ancient Chinese tradition, in contrast, has little to do with metaphysics. The detached mode of reasoning and logical calculation had little appeal to the hearts and minds of most ancient Chinese intellectuals. The Confucian approach to the tensions and conflicts between social and political groups is not to elevate the traditional hierarchy to a new level of security and authority, or to uphold it within some consecrated ground of universality and eternity, but to elicit a humble return to the root, the origin, the foundation of the social and political order in the hearts of the people. Therefore, whereas there is a strong division between the individual and the state in the West, the unique priority of individuality and affinity in the early Confucian understanding of justice opens out a harmonious way of social integration by tempering and reconciling the tension between the dignity of the individual and absolute authority of the political state. Ac-

cordingly, the central concern of early Confucian thinkers was not to impose and enforce a rational system of norms and laws from above, but to encourage and entreat all individuals in a society to preserve and promote their dignity and nobility through a lifelong process of down-to-earth moral practice. From the monarch to the common people, as the *Great Learning* teaches, "all take the foundation of their being in self-cultivation."¹³⁸

It is important to note, however, that unlike the Greek educational ideal, Confucian moral cultivation does not start with the instruction of reason but with the opening of the heart. The first step in moral self-cultivation, according to the *Great Learning*, is *gewu* 格物, which carries the crucial meaning of *gantong* 感通: to open oneself and be affected by things and events in the surrounding world.¹³⁹ Remarkably, one of the key concepts in early Chinese thinking, *yi* 易, which symbolizes the origin of the changing realities of the world, the mysterious interaction of *yin* and *yang* that is responsible for the emergence of all beings between sky and earth, was understood on the basis not of reason but of affection. According to the *Great Commentary*, *yi*, the sagacious diviner of the ways of sky and earth, "neither thinks, nor acts, but remains unmoved in silence. On *being affected*, he opens himself to the things and events in the world" (*gan er sui tong tianxia zhi gu* 感而遂通天下之故).¹⁴⁰ This priority on human emotion and affection, as I see it, goes hand in hand with the early Chinese accentuation on the return to the root of the matter, with their attentiveness to preserve the way of heaven within an animated and reciprocal relationship with changing realities in nature. It reflects a humble reverence and genuine affinity for the nonhuman world that are crystallized in the understanding of human existence as the heart of sky and earth. Indeed, for ancient Chinese, reason and principle never carry an abstract and absolute authority over human emotion and affection. Rather, reason itself is only obtained through the opening of the heart, through its gentle but repetitive inculcation.

As a result, the substance of Confucian moral self-cultivation, which is made possible through the rule of decorum as rule of reason, does not rely on the authority of a divine or political ideal, but boils down to the development of moral connoisseurship.¹⁴¹ Justice and reason are the *sensus communis* of the heart; they are the common aesthetic feelings first recognized and appreciated by the sages, who then educated the people to discover and enjoy such pleasures. The tension between justice and personal interest represents the conflict between two different kinds of "taste" for the best way to live a human life. Confucius already makes this distinction of taste by stating that "the nobles set their minds to justice; the common people set their minds to interests."¹⁴² Mencius elaborates the supreme personality of a great man as follows:

[H]e settles himself in the vast world between sky and earth, establishes himself at the right position of decorum, and travels upon the broad way of humaneness and justice. In his day, he leads the people toward the auspicious way of human living; in his seclusion, he preserves his own way of virtuous life. He does not indulge himself in wealth and eminence, nor give himself up in poverty and lowliness, nor yield himself to intimidation and power.¹⁴³

For Mencius, one's inclination toward a just and beautiful way of living can be so strong that it triumphs over one's natural desire for life itself, as evidenced by those who give their lives for the sake of justice. Even such lowly people as beggars, Mencius points out, would rather die instead of accepting a basket of food kicked toward them in contempt. Everybody has the germ of justice within his own heart, and the way of learning and education is nothing but to seek out the original heart that has been lost.¹⁴⁴ A great man, indeed, is "he who has not lost the heart of a newborn child."¹⁴⁵

The germ of justice, the fundamental appreciation of the moral good, lies in the sense of shame. What one is ashamed of are the reprehensible words and deeds that violate the just and beautiful way of human living and corrupt the nobility and dignity of the self. Confucius regards the wealth and "nobility" acquired through unjust means as being of as little value and relevance to the self as floating clouds.¹⁴⁶ To acquire wealth and eminence, to attain the "dignity" of one's social position by betraying one's state, family, or friends, or to have someone else die in order to save one's own life, are shameful acts that a noble person does not engage in. Only when you "have something that you do not do," says Mencius, can you really "have something done" with honor and justice.¹⁴⁷ The sense of shame is really the at the heart of humanity: "A human being ought not to have no sense of shame. Only when you have shame at having no (sense of) shame, can you be free from shame."¹⁴⁸ The shame at your shamelessness is the germ of the justice and dignity that impels you to be vigilant and prudent about your bearing and conduct and to distance yourself from shameful actions. Only when you maintain a keen and persistent sense of shame can you free yourself from the disturbance of shameful conduct and embark on the path toward true dignity and nobility.

The true dignity of the self, remarkably, does not refer to vanity, fame, and prominent social rank brought on by one's wealth and power. For these are merely "worldly titles of nobility." The heavenly titles of nobility consist in humaneness, justice, loyalty, honesty, and tireless engagement in charitable endeavors. "The ancients cultivate themselves for the heavenly titles, and the worldly titles just follow. Now people cultivate themselves for the heavenly titles in order to pursue the worldly titles. And whenever they obtain the worldly titles, they abandon the heavenly titles."¹⁴⁹ For Mencius, this mistaken priority in favor of the worldly to heavenly titles stems from confusions and delusions that will ultimately ruin one's family and the state, along with the worldly titles one has unjustly gained.

The worldly and heavenly titles apparently do not always agree with each other. It may well be the case that the two are in such disproportion that we have to give up our worldly titles in order to maintain our heavenly titles. As long as the two do not belong together, shame and dignity will exist side by side. Only those who are courageous enough to face up to the worldly ignominy and dishonor may attain their true inherent dignity and nobility. For Mencius and other early Chinese thinkers, this mismatch between the heavenly and worldly points to the strife between justice and personal interest, dignity and shame, the good and the powerful, reality and illusion, wisdom and narrow-minded machination; it originates in the unpredictable

interactions between *yin* and *yang* that induce both unity and conflict between the way of heaven and the way of human beings.

At the heart of this unity and conflict is the recurrent challenge to the monarch of realizing the wisdom of the sages. While few monarchs match up to the heavenly titles of humaneness and justice, the ambition of Confucius and Mencius is to educate and persuade those in power, who are supposed to set an example for all their subjects, to actively engage themselves in moral cultivation and to live up to their lofty titles. "There will be nobody who is not humane, when the monarch is humane; there will be nobody who is not just, when the monarch is just."¹⁵⁰ However, when a monarch fails repeatedly to fulfill his duties and to take good care of the people, it will be proper to remove him from the throne.¹⁵¹ For "it is only appropriate for a humane person to occupy a superior position; to have someone who is not humane in a superior position is to spread his vices to the masses."¹⁵² When asked about whether the leaders of two historical revolutions against Jie and Zhou had committed the crimes of regicide, Mencius replied that because Jie and Zhou had done so much damage to the cause of humaneness and justice, they were really tyrants instead of monarchs: "I only learned the execution of tyrants, not the regicide of monarchs."¹⁵³ The worldly title of a monarch, indeed, carries little sacred authority for Mencius and other early Confucian thinkers. It is the people who "are the noblest, the gods of earth. . . . [T]he gods of grain come next, and the monarch the last."¹⁵⁴

To say that the monarch is the least noble does not mean that the royal position is not important, but that the person who happens to hold this position does not have a "natural" and established nobility and sanctity endowed by heaven. The dignity of a monarch does not rely on his holding the position, but only arrives when he is capable of leading the people to settle themselves in humaneness and follow the path of justice. Remarkably, what early Chinese thinkers had in mind for a sagacious king was not a powerful and heroic master who imposes rational order and regulations upon the people, but a humble and reverent follower of the ways of heaven and a diligent and prudent administrator who is capable of letting all things in the world grow by themselves. A sage, as Lao Zi says, "handles his affairs without doing anything and performs his teaching without saying a word. He lets all things arise but refuses to be the creator; he lets all things emerge but takes nothing to be his own; he lets all things function without their depending upon him. He takes no credit for the fulfillment of the work. Simply because he does not take any credit, what he accomplishes never goes away."¹⁵⁵

Aristotle, who defines the investigation of truth as the search for principles and the first and highest causes, locates the ultimate end of human practice in the art of politics, which, as the highest of all disciplines, looks for happiness and the good life as the ultimate good.¹⁵⁶

Early Chinese thinking has little to do with the kind of ontology and teleology that serve as the foundation of Aristotle's political theory. The emergence of natural and human beings in the world, as Lao Zi sees it, does not require a permanent ground or a determinate purpose.¹⁵⁷ This distance from metaphysical and teleologi-

cal thinking had a profound influence on the early Chinese understanding of justice and political practice. As the foundation of the city-state, the law of the Greek *polis* represents the ideal of justice, which is an end (*telos*) in itself. Heraclitus compares the law of the people to the wall of a city-state¹⁵⁸—a boundary that installs, nurtures, and delimits the way for the vital emergence of Greek community life. Early Chinese thinkers, in contrast, do not confine themselves within the prosperity of their own political states. Rather, what they aspire to is to bring all the people under the sky into a greater harmony, to establish and preserve poetical ways of human life without being confined by the laws and norms of any nation-state. Political ideals such as nationalism, which had its origin in the Greek city-state and which played a dominant role in the formation of modern Europe, as Liang Qichao asserts, would have appeared “narrow and despicable” in the eyes of the early Chinese.¹⁵⁹ Accordingly, the highest teaching of a Chinese sage-king is that of *wuwei* 無為—to have no personal preferences or ultimate objectives and to follow the course of nature without action or affectation, so that all human and natural beings in the world will be able to grow and live out their lives by themselves.

Roger Ames has made an insightful point that the teaching of *wuwei* does not belong to Daoist thinking alone but is “an appropriate description of the ideal of the Confucian ruler: one who reigns but does not rule.”¹⁶⁰ Now the substance of early Confucian teaching is apparently not *wuwei* but *youwei* 有為: actively engaging oneself in moral practice and self-cultivation. The distinction between *wuwei* and *youwei* corresponds to that between the way of heaven and the way of human beings.¹⁶¹ So, while the intention of the Daoists was to understand the way of heaven and reach a state of *wuwei* by withdrawing themselves from daily activities in the mystical contemplation of *dao*, early Confucians followed the way of heaven by taking good care of the way of the human person. Contrary to the Daoists, who taught *wuwei* as the ground for all possible activity (*wuwei wu buwei* 無為無不為), early Confucians aspired to reach the state of *wuwei* through *youwei*.

At the junction of this entanglement of unity and conflict between the way of heaven and the way of the human being is the Confucian sage, who needs to possess *wuwei* and *youwei* at the same time so that he might lead the people toward an auspicious way of living in accord with the way of heaven. Ames picks up a few important direct references to *wuwei* from the *Analects*, the *Book of Decorum*, and the *Xun Zi*. It is a recurrent teaching in early Confucian texts, indeed, that a sage should withdraw himself from any personal likes and dislikes, for the sake of having the same heart as that of the sky and earth. The “Hong Fan” states that the king should revere the path of justice without bias, partiality, or any personal preferences and judgments of what is good and bad, right and wrong: “Do not have bias and partiality, but revere the path of the king; do not hold personal likes but revere the way of the king; do not hold personal dislikes but revere the road of the king.”¹⁶² The *Book of Changes* states that “the sage cleanses his heart, withdraws himself, and stays in hiding, so that he shares the joys and sorrows of the people.”¹⁶³ To cleanse one’s heart is to remove one’s personal preferences and prejudices so that one is capable of reaching the highest appreciation for the *sensus communis* of the hearts of the

people, of rejoicing at their joys and caring for their sorrows. It has never been the case, as Mencius says, “for one to base his joys and cares on the joys and cares of the people without attaining the kingship of the whole world.”¹⁶⁴

Illustrating his teaching of *wuwei*, Mencius compares the art of government to that of flood management.¹⁶⁵ The ancient sage-king Yu successfully prevented floods by channeling the rivers to follow their most natural routes toward the sea without agitation and disturbance. A wise ruler lets the people follow the good and auspicious way of humaneness and justice without external imposition and interference, just as the waters flow naturally down to the sea. In order to channel the waters toward their most natural course, however, one needs to make great efforts to remove the obstacles in the watercourse—for example, by cutting through hills and mountains. A wise leader, therefore, fulfills the teaching of *wuwei* not by doing nothing. A sage is *wuwei* only in the sense that he does not impose his will upon the people. Just as a great pianist needs to practice every day so that he is able to let the music flow “effortlessly” during a performance, a sage engages in all kinds of benevolent undertakings and moral practices so as to educate and guide the people to follow their innermost nature toward humaneness and justice. For Mencius, all people are amenable to education because there is a natural tendency in every human being toward goodness, because everybody has an innate sense of commiseration and a sense of shame, the germs of humaneness and justice: “there is no human being who is not good, just as there are no waters that do not go down.”¹⁶⁶ Everyone is “capable of becoming Yao and Shun,” the two preeminent ancient sages.¹⁶⁷

Philip J. Ivanhoe identifies the state of sagehood as the attainment of “complete moral perfection.”¹⁶⁸ The very idea of “perfection,” however, suggests the legacy of the Christian/Greek paradigm of the human being as rational animal. In my opinion, the conception of human perfection on the basis of conformity to some abstract divine concept is alien to early Chinese thinking. How can a real human being, however wise, commit no mistakes? The mistakes of the ancient Chinese sages, says Mencius, are like “the eclipses of the sun and the moon that are seen by all the people, so that when they correct them, all the people look up to them with admiration.”¹⁶⁹ A Chinese sage is not a person who is perfect, who never makes mistakes, and who has a miraculous, ideal solution to all problems, but one who has the sincerity and courage to acknowledge human finitude and imperfections and who is able to explore and discover without ceasing new junctures of peace and harmony in human life. The “accomplishment” of one’s moral character has little to do with the “perfection” of one’s personality, determined in accord with some universal and eternal norms and principles; it has everything to do with heartfelt reverence for the way of heaven and a diligent investigation of justice as the proper way to achieve human dignity and nobility. Only when we listen reverently and attentively to the silent summons of our heart and conscience, only when we return to our most innate self as the “heart of sky and earth,” can we follow the path of justice toward the thriving of our moral character.

Perhaps one of the best illustrations of the way of the ancient Chinese sage can be found in Mencius’ discussion of a hypothetical case presented by his disciple Tao

Ying. Puzzled by the seemingly irreconcilable tension between one's responsibility to the family and to the state, between reason and emotion, Tao Ying inquires how the sage Shun and his minister of law enforcement Gao Tao should have reacted when Shun's father killed someone else. Mencius replies that Gao Tao should have arrested Shun's father, and Shun should not have prohibited Gao Tao from doing so because that was his proper duty as the administrator of the law. But here arises an unavoidable conflict. Although in conformity with the king's justice, which required impartiality in all matters of the state, the arrest and execution of Gao Tao's father would have violated the requirement of filial devotion by a son to his father, which was the very foundation of the peace and harmony of traditional Chinese society. His duty to his king and his duty to his father were thus at utter variance with each other. Tao Ying presses for an answer to the question posed by this impossible predicament: "Then what should Shun have done?" And the answer: "Shun regarded abandoning the world as abandoning a pair of worn shoes. He would have carried his father away in secret and fled to the seashore, resided there in delight for the rest of his life, and happily forgotten the world."¹⁷⁰

One may argue that by carrying his father away from the "just" punishment of the law, Shun would have been *partial* to his father, thus violating the mandate of a sage-king, who should be unbiased and impartial at all times. Mencius' answer, indeed, reflects a subtle sense of humor that was so deeply ingrained in the everyday life of the ancient Chinese people that there was not even an established term for "humor." The tension between one's attachment to the family and obligation to the state, the gravity of a seemingly insoluble tragic situation, was simply by Shun's pleasant choice of exile, by his eccentric view of the importance of the world and its laws as being like a pair of worn shoes. But even if we look at this case from a more critical perspective, Shun's decision and action exemplified the traditional Chinese approach to justice (*yi*), which prioritized affection over reason, the dignity and humanity of the individual over the abstract and absolute authority of the law. It points to a deep emotional commitment to seek the true meaning of justice beyond the limits of the letter of the law. Precisely because it was impossible to exercise impartiality in this difficult situation, Shun had to abdicate his throne and flee with his murderous father. After all, one is always a family member first, before he is a king or a sage. The love for one's family, which embodies the essence of humaneness (*ren*), is the root of all moral self-cultivation. As the foundation of ancient Chinese society and Confucian moral teaching, this summons of the heart has continued to nurture a view of justice that preserves and promotes the dignity and humanity of the individual, without which no true harmony and happiness would be possible.

Notes

1 – Aristotle *Politics*, trans. B. Jowett, in vol. 2 of *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton: Princeton University Press, 1984), 1253a40.

2 – *Ibid.*, 1253a2.

3 – Ibid., 1253a10.

4 – See Ibid., 1253a15–20.

5 – H. Frisk summarizes the basic sense of *dikē* as follows: “Weise, Sitte, Recht, Rechts-verhandlung, -sache, Strafe,” that is, “way or manner, custom, law or justice, trial or hearing, legal case, penalty” (H. Frisk, *Griechisches Etymologisches Wörterbuch* [Heidelberg, 1961], vol. 1, p. 393). Liddell and Scott identify the major meanings of *dikē* as “custom, usage; order, right; judgment; proceedings instituted to determine legal rights,” hence, “lawsuit, trial of the case, and the object or consequence of the action, atonement, satisfaction, penalty” (Liddell and Scott, *A Greek-English Lexicon*, p. 430). I cannot offer a detailed analysis of the etymology of *dikē*, about which scholars have not reached any final consensus. For a valuable and comprehensive summary of the meanings of the word *dikē* in ancient Greek writings, see Paul Shorey, “Righteousness (Greek and Roman),” in *Encyclopaedia of Religion and Ethics*, ed. James Hasting (New York: Scribner, 1957), vol. 10, pp. 800–804. W.K.C. Guthrie says the following: “the original meaning of *dikē* may have been literally a way or path. Whether or not that is its etymological origin, its earliest significance in Greek literature is certainly no more than the way in which a certain class of people usually behaves, or the normal course of nature” (Guthrie, *The Greek Philosophers: From Thales to Aristotle* [New York and Evanston: Harper and Row, 1960], p. 6). Remarkably, Heidegger offered a distinctive translation of *dikē* as “Fug.” This translation makes manifest the sense of joining and gathering in *dikē* in order to reveal its fundamental metaphysical meaning: “We translate it as *Fug*. Here we understand *Fug* first in the sense of joint and framework (*Fuge und Gefüge*); then as decree, dispensation, a directive that the overpowering imposes on its reign; finally, as the enjoining structure (*das fügende Gefüge*) which compels adaptation (*Einfügung*) and compliance (*Sichfügen*). . . . Being, *physis*, as power, is basic and original togetherness: *logos*; it is enjoining jointure (*fügender Fug*): *dikē*” (Heidegger, *An Introduction to Metaphysics*, trans. Ralph Manheim [New York: Anchor Books, 1961], pp. 134–135; translation modified). I appreciate the great help of one reader for *Philosophy of East and West* in pointing out an important reference for the connection between *dikē* and *deik*, as illustrated in *The American Heritage Dictionary of the English Language*. According to this source, the etymological origin of dike is associated with *deik-*, which has the primary meanings of “to show, pronounce solemnly.” Some of the most remarkable derivative meanings of *deik* in this context include “the directing of words or objects, teach, preach, judge, revenge, vindicate, token, edict, dictum, indict, index, indicate, jurisdiction, verdict, justice, right, court case, etc.” The exact genealogy and development of the meanings of *dikē* in connection with *deik* require separate study. But it is at least plausible to hypothesize that the origin of *dikē* lies in the revelation (showing) of the enjoining jointure of the world’s fourfold union (see note 48), which installs a primordial justice as indicated

by the divine dictum and edict—a kind of justice that is then stated in the verdicts and interdictions of judicial proceedings. Presumably, this human appropriation of divine order constitutes the foundation of various frameworks of social distinctions and political divisions, which can only be formally established through legal punishments.

- 6 – See Mogens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Ideology*, trans. J. A. Crook (Oxford and Cambridge: Blackwell, 1991), p. 94.
- 7 – Aristotle *Politics*, 1256a15 ff.
- 8 – Ibid., 1256a20–25.
- 9 – Cf. Freud's description of civilization's paradoxical hope to "prevent the crudest excesses of brutal violence by itself assuming the right to use violence against criminals." Law, thus, "is not able to lay hold of the more cautious and refined manifestations of human aggressiveness" (Sigmund Freud, *Civilization and Its Discontents*, trans. James Strachey [New York and London: W. W. Norton, 1961], p. 70).
- 10 – Alexander Pope spells out this priority of Being nicely: "All Nature is but Art, unknown to thee/ All Chance, Direction, which thou canst not see/ All Discord, Harmony, not understood/ All partial Evil, universal Good/ And, spite of Pride, in erring Reason's spite/ One truth is clear, 'Whatever is, is RIGHT'" (Alexander Pope, *An Essay on Man*, ed. Maynard Mack [New Haven: Yale University Press, 1951], pp. 50–51). Whatever is, as Dryden explains, "is in its cause just" (Dryden, *Oedip.* III.i, quoted in Pope, *An Essay on Man*, p. 51). The way of Being, which is the first, final, and highest cause of all beings, is the ultimate ground of the proper way of our moral conduct and judgment; it is the *primordial* way of justice. Because Being is Justice, whatever is, as what is caused and determined by Being in accord with rational principles, must also be just. In Western metaphysics, Being refers also to the ultimate unity and reality of the universe. Being is the One, the Good, the Beautiful, the purest and simplest Truth, Reason itself. In Medieval theology, Being as the highest being loved by all other beings, is identified as the creator and foundation of the moral order of the whole world, God Almighty, who decrees and enforces Law and Justice for both heaven and earth with supreme Power. Being is justice, which constitutes the founding principle of the Western metaphysics of morals, guided by technicality and rationality; this is thus nothing short of the principle of "Might is Right." The traditional Western solution to this problematic caused by the violence of justice, notably, lies not in the cancellation or temperment of the absolute power associated with the concept of justice, but in various methods of "justification" for the normative force of social and political authority. Thus, even Rousseau, who is one of the most adamant defenders of the freedom of the individual, grants that "just as nature gives each man an absolute power over all his members, the social

compact gives the body politic an *absolute power* over all its members” (Jean-Jacques Rousseau, “On the Social Contract,” II.iv, in *The Basic Political Writings*, trans. Donald A. Cress [Indianapolis and Cambridge: Hackett, 1987], p. 156; emphasis added).

- 11 – “Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends” (John Rawls, *A Theory of Justice*, rev. ed. [Cambridge, MA: Belknap Press of Harvard University Press, 1999], p. 12).
- 12 – “These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate” (Rawls, *A Theory of Justice*, p. 13). To say that Rawls’ theory of justice is still utilitarian may seem off the mark. Granted, Rawls’ theory is that an alternative can be formed to utilitarianism by establishing the priority of the deontological principle of justice as fairness over the principle of utility and efficiency. Nevertheless, one may argue that despite his reaction to utilitarianism, Rawls has virtually taken on and affirmed the utilitarian framework in which such crucial concepts as liberty, duty, the right, the good, and the individual are defined and understood. Now Rawls’ theory aims to establish a fair and equal principle of distribution, a sense of justice that seems to be ignored in the utilitarian concern over the sum of satisfactions. Remarkably, the meaning of justice, which involves a wide range of fundamental questions such as the state and the soul, power and domination, and the origin of divinity, humanity, nobility, and virtue in the Western tradition, is reduced to a simple matter of distributive justice, to the fair distribution of goods and rights in a social and political economy. In its very effort to correct utilitarianism, apparently, Rawls’ theory is making a deep commitment to the contemporary utilitarian Weltanschauung.

Can one affirm a simplistic assumption of primary human goods as presented by Rawls without presupposing some one-sided theory of the good or of human nature? To assume a thin theory of the good, arguably, is always already assuming much, if not too much. The so-called thin theory of good, indeed, is vulnerable to criticism on many fronts. On the one hand, Rawls’ definition of the good and the happiness of a person as the successful execution of a rational plan of life involves strong utilitarian implications. This concept of the good in terms of rationality and utility, one may even argue, reflects a long Western tradition of logocentrism. It is a standing target for irony and critique by existential and postmodern thinkers like Dostoevsky, Nietzsche, Marx, Freud, Levinas, Foucault, and Derrida. On the other hand, Rawls’ determination of the primary good on the basis of the autonomy of the self leaves little room to accommodate some significant traditional understandings of humanity that *prioritize* the importance of the other and sacrifice in the realization of the self. For example, it would be essentially irreconcilable with Tolstoy, who, following the Christian tradition, demonstrates that true happiness in an individual can only be found in living for others (see,

e.g., Leo Tolstoy, "Family Happiness," in *The Death of Ivan Ilych and Other Stories*, trans. Aylmer Maude and J. D. Duff [New York: Signet Classic, 2003], pp. 36–37; and cf. "Master and Man," *ibid.*, pp. 280–284).

I cannot engage myself with the enormous literature concerning the criticism and defense of Rawls in this passing comment on his theory of justice. For some representative critiques of Rawls' theory, see, for example, Michael Sandel, *Liberalism and Limits of Justice* (Cambridge and New York: Cambridge University Press, 1982), and Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989). Here, let me make but one remark on Rawls' treatment of utilitarianism in order to show a critical inadequacy of his theory even in its response to classical utilitarianism. Rawls bases his appraisal of classical utilitarianism on Sidgwick's formulation of a utilitarian principle of justice as the greatest net balance of satisfaction summed over all the individuals in society. He claims that the contrast between his contract view and utilitarianism remains essentially the same in all cases. But Rawls' representation and criticism of the utilitarian tradition is far from fair and just. It is suspicious that Rawls is aligning himself with some vulgar versions of utilitarianism and has unduly disregarded some more important meanings of utilitarianism as represented, for example, by J. S. Mill.

Anyone who cares to read attentively the first two chapters of Mill's *Utilitarianism* will recognize the one-sidedness and injustice of Rawls' overly simplistic treatment of classical utilitarianism, which rarely disregards the importance of moral sentiments or the dignity of the least advantaged. For a defense of classical utilitarianism in response to Rawls' arguments, see, for example, Holly Smith Goldman, "Rawls and Utilitarianism," in *John Rawls' Theory of Social Justice: An Introduction*, ed. H. Gene Blocker and Elizabeth H. Smith (Athens, OH: Ohio University Press, 1980), pp. 346–394.

As I see it, one of Rawls' major oversights is the crucial priority of mental over bodily pleasures, of the nobility of moral sentiments over the intensity of animal gratifications highlighted in Mill's utilitarianism. In view of this, the real watershed between the Kantian deontological principle and Mill's principle of utility lies in their different conceptions of the ultimate foundation of moral law as the transcendental ground of moral deduction or the empirical presupposition and result of moral induction (see J. S. Mill, "Utilitarianism," chap. 1, in J. S. Mill and Jeremy Bentham, *Utilitarianism and Other Essays*, ed. Alan Ryan [London: Penguin Books, 1987], p. 275). As far as Rawls' principles of justice are concerned, the key question is: should the choice of the two principles of justice be affirmed by Rawls or by people in the original position without the slightest concern that these principles will produce the highest good for humanity in general? Or should these two principles still be rationally chosen were it shown that they may produce outcomes detrimental to the dignity and nobility of human beings as a whole? I have no intention to insist on or impose a negative answer in this context. But at least I do not believe the case is strong for an unconditional and straightforward answer in the

positive. After all, what I intend to demonstrate is Rawls' entanglement with the contemporary utilitarian Weltanschauung through his alignment with some narrow or even vulgar version of utilitarianism. His greatest flaw, indeed, boils down to his gross negligence of the genuine project of classical utilitarianism in the "general cultivation of the nobleness of character" (J. S. Mill, "Utilitarianism," p. 283).

- 13 – Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell et al. (New York and London: Routledge, 1992), pp. 15 ff.
- 14 – Ibid., p. 14.
- 15 – For Derrida's explication of the word *avenir*, see "Force of Law," p. 27.
- 16 – Ibid., p. 20.
- 17 – Rawls, *A Theory of Justice*, p. 12. See Susan Moller Okin, "Reason and Feeling in Thinking about Justice," in *Ethics* 99 (2) (January 1989): 229–249. From a feminist perspective, Okin criticizes Rawls' inheritance from the Kantian dichotomy of reason and feeling, freedom and nature, and the neglect of the family and educational function of varieties of human (especially maternal) love. As Okin points out, Rawls "is unwilling to call explicitly on the human qualities of empathy and benevolence in the working out of his principle of justice and in his lengthy description of the process that leads to them" (Okin, "Reason and Feeling in Thinking about Justice," p. 234). The significance of love and benevolence in Rawls, as Okin herself explores in the rest of her essay, is a very complicated question that I have to leave for the future. But considering the dominant dichotomy between reason and emotion as well as the abstract and tangential manner in which human love and compassion are figured in the theory of justice, it is fair to say that Rawls is still carrying on some traditional Western prejudices against human emotions.
- 18 – *Book of Decorum* (禮記), "Function of Decorum" (禮運): "人者，天地之心也。"
- 19 – Mencius 4.2.11, in *The Works of Mencius*, trans. James Legge (New York: Dover, 1970); translation modified. Cf. 4.2.12, 4.1.17. All subsequent citations of the *Mencius* are taken from the Legge version, with my own modifications to his translation.
- 20 – Cf. *Shuo Wen* 說文, Duan's Commentary 段注: "The judgment of justice must be decided by the heart" (義必由中斷制也), quoted in 中文大辭典 (Encyclopedic dictionary of the Chinese language), 7th ed., ed. Lin Yin 林尹 and Gao Ming 高明 (Taipei: 中国文化大学出版社 [Chinese Culture University Press, 1985]), 7:740 (hereafter abbreviated as *EDCL*). On my translation of the character *zhong* 中 as "heart," see note 44 of Huaiyu Wang, 'On *Ge Wu*: Recovering the Way of the Great Learning,' *Philosophy East and West*, Vol. 57, No. 2 (April 2007), p. 225. All translations of Chinese texts are mine unless noted otherwise.

- 21 – Mencius 7.2.14, in Legge, *The Works of Mencius*, p. 483.
- 22 – Ibid., 6.1.7.
- 23 – See *ibid.*, 6.1.11.
- 24 – Cf. Heidegger, *Identity and Difference*, trans. Joan Stambaugh (Chicago and London: University of Chicago Press, 1969), p. 36.
- 25 – *Mencius* 7.1.33.
- 26 – "... [E]stablish the way of the human, which is called humaneness and justice" (立人之道，曰仁與義) (*The I Ching* or *Book of Changes*, trans. Richard Wilhelm, rendered into English by Cary F. Baynes, Bollingen Series 19 [Princeton: Princeton University Press, 1977], p. 264, Shuo Gua; translation modified).
- 27 – By translating the untranslatable *dao* as "truth," I am aware of the violence I may be doing to both the Chinese character and the English word. But there is an important *junction* here between the Chinese and Western/Greek paths that may be too important to be missed. By this translation, I do not mean to establish or impose a naive "conformity" between "*dao*" and "truth" or to negate or ignore their critical differences. The intention is to bring out an intersection of the meanings of these two guiding words for the Chinese and Western traditions. Here, I do not take truth in its conventional sense as "correctness" or "the agreement with a reality or a standard." I am appropriating instead an old sense of "unconcealment," which Heidegger attempted to identify in the Greek word for truth, *aletheia* (see Heidegger, "On the Essence of Truth," trans. John Sallis, in *Basic Writings*, ed. David Farrell Krell [New York: Harper and Row, 1977], pp. 117–141, esp. p. 140, and "The End of Philosophy and the Task of Thinking," in *ibid.*, pp. 387–392). According to Heidegger, the ordinary sense of truth as correctness, as the correspondence between a reality and a human statement, has always already presupposed a region of being that must be first disclosed and discovered, which serves as a necessary foundation for truth as correctness. He then identifies the clearing (*Lichtung*) of this region of being as truth (*aletheia*) in the primordial sense. The common meaning of "truth" and "*dao*" that I would like to bring out through this translation lies precisely in the sense of the "unfolding, unconcealing, and disclosing" of the primordial way of human life.
- 28 – Chung-ying Cheng, "On *Yi* as a Universal Principle of Specific Application in Confucian Morality," *Philosophy East and West* 22 (3) (July 1972): 278. Cheng's interpretation certainly illustrates some important dimensions of *yi* in early Confucian moral teachings. But there are some crucial elements in Mencius' understanding of justice that may not be reconcilable with the interpretation of *yi* as a "universal and total principle." It seems that David L. Hall and Roger T. Ames have made a valid and well-directed point in their criticism of Cheng's interpretation in their *Thinking Through Confucius* (Albany:

State University of New York Press, 1987), pp. 101–102. See my further discussion of this problematic in the fourth section on the relation between *yi* and *quan* in Mencius' thinking.

- 29 – Kwong-loi Shun, *Mencius and Early Chinese Thought* (Stanford: Stanford University Press, 1997), p. 56; italics added. In my opinion, the language of “attribute” and “quality,” which indicates philosophical categories that are added to a subject, a substantial entity, or his “actions,” is alien to early Chinese thinking. Moreover, as I will demonstrate in the rest of this essay, for early Confucian thinkers justice is not an accidental quality that is added to an ethical subject, but describes the poetical way through which human ethical life shines forth.
- 30 – Hall and Ames, *Thinking Through Confucius*, p. 93.
- 31 – “We shall argue . . . that a full appreciation of the meaning of *yi* is fundamental to an understanding of the dynamics of person *making*” (Hall and Ames, *Thinking Through Confucius*, p. 90; italics added). While I have great sympathy and admiration for many aspects of Hall and Ames' interpretation of *yi* in terms of “creativity,” it is the language of “person *making*” that constitutes a major problem. This is so even if the process of person making is understood in terms of “aesthetic creativity” (ibid., p. 105). I take this line of interpretation as a ground for Ames' translation of *ren* 仁 as “authoritative conduct/humanity/person-ing.” This translation of *ren* in terms of authority, authorship, or person making does violence to early Confucian texts (cf. *Analects* 7.1). One can certainly argue for the presence of a dimension of creativity in early Confucian thinking. But Hall and Ames have not brought to full light the meanings and origins of such creativity. To equal it with “person making,” which seems to carry strong Pragmatic or Aristotelian implications, is liable to cause some confusion along with its illumination. Remarkably, Hall and Ames have also based their interpretation of *yi* on a spurious annotation of the character as “meaning/signification of human existence,” to which I have raised an objection in note 35 below.
- 32 – Derrida, *Of Grammatology*, corrected version, trans. Gayatri Chakravorty Spivak (Baltimore and London: Johns Hopkins University Press, 1997), p. 158.
- 33 – Ibid., p. 159.
- 34 – See *EDCL* 7:740–741.
- 35 – For a comprehensive and substantive discussion of the meanings of *yi* in English, see Hall and Ames, *Thinking Through Confucius*, pp. 89–109. However, it seems that Hall and Ames made too bold a move in making a connection between the two basic senses of *yi* as “signification/meaning” and “righteousness (justice).” They attempted to establish *yi* as the “personal disclosure of significance” or “personal investment of meaning in the world.” *Yi* indeed carries the sense of “signification/meaning,” but *only* the signification

and meaning of classical texts (see *EDCL* 7:741: “經之意旨也”). The connection between the sense of “signification and meaning of texts” and other senses such as “dignity of the self, right, just, appropriate, norm and principle” is a complicated matter in need of separate study. I have seen no instance of ancient Chinese texts in which *yi* refers to the meaning of human life or human existence. Nor have Hall and Ames provided any concrete and convincing examples of such usage.

- 36 – See, for example, “Doctrine of the Mean,” in *Book of Decorum*: “禮儀三百，威儀三千。”
- 37 – See 廣雅，釋言：“畏，威也”；書，皋陶謨：“天明畏自我民明威”；蔡傳：“威，古文作畏，二字通用，” in *EDCL* 6:657. it appears that in later usage *wei* 畏 tends to denote the subjective feelings of awe and fright while *wei* 威 refers to the attitude or posture of human and natural beings that causes the feelings of awe and fright.
- 38 – For the origin and importance of the attitude of *jing*, see Xu Fuguan 徐復觀, 中國人性論史：先秦篇 (History of theories of human nature in China: Pre-Qin period) (Shanghai: Shanghai Sanlian Bookstore 上海三联書店, 2001), pp. 18 ff; Mou Zongsan 牟宗三, 中國哲學的特質 (The features of Chinese philosophy) (Shanghai: Shanghai Classics Publishing House 上海古籍出版社, 1997), pp. 12–20.
- 39 – *Book of Decorum*, “Aigong Wen” 哀公問: “There is nothing that a noble person does not revere, but the reverence for the body is the most important” (君子無不敬也，敬身為大).
- 40 – See, for example, *Book of Decorum*, “Book of Learning” (學記), “收其威也.” 注：“威，威儀也” (quoted in *EDCL* 3:114).
- 41 – See 廣雅，釋訓：“儀，儀容也”；詩，鄘風，相鼠：“人而無儀”；箋：“儀，威儀也” (quoted in *EDCL* 1:1221).
- 42 – *Book of Decorum*, “Confucius at Leisure” (孔子閒居): “無體之禮，威儀遲遲。”
- 43 – *Book of Poetry* 詩經, Dangzhishi 蕩之什, “Yi” 抑: “... 敬慎威儀，維民之則.” Cf. Beifeng 邶風, “Bozhou” 柏舟: “威儀棣棣，不可選也.”
- 44 – The *Book of Poetry*, Chexia 車輦: “高山仰止，景行行止.”
- 45 – *Zuo’s Commentary* (左傳), *Si Bu Bei Yao* ed. (1965), “Duke Xiang the Thirty-first Year” (襄公三十一年): “有威而可畏謂之威，有儀而可象謂之儀。... 言君臣，上下，父子，兄弟，內外，大小，皆有威儀也。... 故君子在位可畏，施舍可愛，進退可度，周旋可則，容止可觀，作事可法，德行可象，聲氣可樂，動作有文，言語有章，以臨其下，謂之有威儀也.” Cf. “Duke Zhao the Fifth Year” (昭公五年): “... 慎吾威儀，敬始而慎終.”
- 46 – 段注：“威儀出于己，故从我... 義者，我也” (quoted in *EDCL* 7:740).
- 47 – *Duan’s Commentary*: “... 从羊者，與善美同意” (quoted in *EDCL* 7:740).

48 – Here I am taking an old sense of the English word jointure: an *act* or *instance* of joining, which I believe translates the German word *Fug* nicely. In *An Introduction to Metaphysics*, Heidegger uses this old German word *Fug* to translate the Greek word *dikē* (pp. 134 ff). Outside the phrase *mit Fug und Recht* (with justification, rightly), this German word *Fug* is rarely used by itself. For its etymological origin and relation to the more common German word *fügen*, see Hermann Paul, *Deutsches Wörterbuch*, 5, völlig neubearbeitete und erweiterte Auflage, von Werner Betz (Tübingen: Max Niemeyer Verlag, 1966), pp. 216–217. The justification of these translations and the elaboration of the connection between the Greek *dikē* and the senses of joining, commanding, law, and right as indicated by the German *Fug* require a separate project. For a synopsis, we may find some clue in Köstler, who offers the “best definition” of *dikē* as “the manifestation of a divine will or of a will advised by divinity”: “Kundgebungen eines göttlichen oder von der Gottheit beratenen Willens” (Köstler, *Die homerische Rechts- und Staatsordnung* [1950], p. 9, quoted in Hugh Lloyd-Jones, *The Justice of Zeus* [Berkeley, Los Angeles, and London: University of California Press, 1971], p. 166 n. 23). *Dikē* as justice in the human world points to an appropriation of the message from the divine. *Dikē* is a gift from the divine that makes order and union in the human world possible. Here, order and structure (*Fuge und Gefüge*) in the human world stem from a more original jointure (*Fug*) of the divine and the human, sky and earth. Law and justice, which bring peace and harmony to the human world, are laid down in accord with divine justice: Themis (the mother of the goddess *Dikē*)—the daughter of Uranus (sky) and Gaea (Gaia, earth). In the jointure of *dikē*, in the simple concurrence of sky and earth, divinities and mortals, there opens up a region (*Gegend*) of the world’s fourfold union, a region of poetical human living upon the earth. The disclosure of this region and clearing the way to it belong to the truth of being and the enactment of the power of *phusis*. Heidegger names this original unfolding of the truth of being *Er-eignis*, which, he says,

grants to mortals their abode within their nature [*Wesen*], so that they may be capable of being those who speak. If we understand “law” as the gathering that lays down that which lets [*läßt*] all beings be present in their own [selves], in what is appropriate for them, then *Er-eignis* is the plainest and most gentle of all laws, even more gentle than what Adalbert Stifter saw as the “gentle law.” (Heidegger, “The Way to language,” in *On the Way to Language*, trans. Peter D. Hertz [San Francisco: Harper and Row, 1971], p. 128; translation modified)

49 – The oldest meaning of *yi*, according to the *Shuo Wen*, is “a place of dwelling, a place where one settles oneself.” See *EDCL* 3:456.

50 – D. C. Lau argues that *yi*, which he translates as “right,” “righteous,” or “rightness,” is “basically a character of acts and its application to agents is derivative. A man is righteous only in so far as he consistently does what is right. The rightness of acts depends on their being morally fitting in the circum-

stances and has little to do with the disposition or motive of the agent" (Introduction to Confucius, *The Analects*, trans. D. C. Lau [Hong Kong: Penguin Books, 1979], p. 27). I agree mostly with Hall and Ames' criticism of Lau's interpretation on the basis of "mutuality of agency and act" (see Hall and Ames, *Thinking Through Confucius*, pp. 102–107). If one insists on the distinction between acts and agents in this context, then, according to the etymology of *yi*, its original meanings have more to do with the latter than the former. As I have shown above, *yi* is the dignity and majesty of the self that involves primarily one's respectable bearing and disposition. The dignity and majesty of an individual show themselves in the appearance of one's countenance and one's personality. It seems that human acts, when conceived narrowly within a category in opposition to agents or motives, constitute only one of the many ways through which the dignity and majesty of the self shine forth.

- 51 – *Mo Zi*, *Si Bu Bei Yao* ed. (1965), "Shang Tong II": "子墨子曰：方今之時，復古之民始生，未有正長之時，蓋其語曰，天下之人異義。是以一人一義，十人十義，百人百義。"
- 52 – Mencius clearly says that *yi* is the way of the human (see *Mencius* 6.1.10, 11; 7.1.33). Cf. *I Ching*, Shuo Gua: "establish the way of the human, which is called humaneness and justice" (立人之道，曰仁與義) (see note 26 above), and Yang Xiong, Fa Yan, "Xiu Shen": "Yi is a path" (義路也). Note 注: "Yi is like a way or path upon which one may travel safely" (義如道路可以安行) (quoted in *EDCL* 7:741). I believe the sense of "path or way" is one of the oldest, as it appears in some of the very earliest writings. In the *Book of History* 尚書, *Si Bu Bei Yao* ed. (1965), Hong Fan 洪範, for example, it is said: "無偏無陂，遵王之義；無有作好，遵王之道 (*dao*)；無有作惡，遵王之路 (*lu*)."
- Here *yi* is used in parallel with the words *dao* and *lu*, both of which refer clearly to a path or way in this context.
- 53 – *Mo Zi*, "Shang Tong II."
- 54 – *Xun Zi* 荀子, *Si Bu Bei Yao* ed. (1965), "Refutation of Twelve Masters" (非十二子): "上功用，大儉約，而優差等。… 其言之成理，足以欺惑愚眾，是墨翟宋鉞也。"
- 55 – *Xun Zi*, "Wangzhi" 王制: "人何以能羣？曰：分。分何以能行？曰：義。故義以分則和，和則一。"
- 56 – *Shiming* 釋名, "Shiyanyu" 釋言語: "義，宜也。裁制事物，使合宜也" (quoted in *EDCL* 7:741).
- 57 – *Mencius* 5.2.7.
- 58 – *Xun Zi*, "Wangzhi": "禮義者，治之始也。" Cf. "Bugou" 不苟: "禮義之謂治。"
- 59 – *Xun Zi*, "Dalue": "義，理也"; "Yuelun" 樂論: "禮者，理之不可易者也。" Cf. *Book of Decorum*, "Zhongni Yanju" 仲尼燕居: "禮也者，理也。"

- 60 – The *Han Fei Zi* 韓非子 defines *li* as the different *properties* of things such as their being “long and short, big and small, square and circular, hard and crispy, light and heavy, white and black” (*Han Fei Zi*, “Jie Lao” 解老, quoted in 哲學大辭典 [Encyclopedic dictionary of philosophy], ed. Feng Qi 馮契 et al. [Shanghai: Shanghai Lexicographical Work Press 上海辭書出版社, 1992], p. 1408).
- 61 – *Han Fei Zi*, “Jie Lao” (quoted in Encyclopedic Dictionary of Philosophy, p. 1408: “萬物各異理”).
- 62 – For example, *History of Han* 漢書, “Wudi Ji” 武帝紀: “將軍已下廷尉, 使理正之。” 注: “師古曰: 理, 法也。言以法律處正其罪” (quoted in *EDCL* 6:455).
- 63 – For example, *Lü Shi Chun Qiu* 呂氏春秋, “Quan Xue” 勸學: “聖人之所在, 則天下理焉” (quoted in *EDCL* 6:455; *Book of Decorum*, “Book of Music”: “四時和焉, 星辰理焉, 萬物育焉”). For a discussion of the meaning and origin of the concept of *li*, see also Wang Guowei, “Explanation of *li*” (釋理), in 王國維論學集 (Collection of academic writings of Wang Guowei) (Beijing: China Social Science Press 中國社會科學出版社, 1997), pp. 231–242.
- 64 – For a more careful elaboration of the root meanings of *li* 理 and its relation to *li* 禮, see Huaiyu Wang, “On *Ge Wu*: Recovering the Way of the *Great Learning*,” *Philosophy East and West* 57 (2) (2007): 217–218.
- 65 – *Book of Decorum*, “Function of Decorum”: “故聖人耐以天下為一家。”
- 66 – Cf. *ibid.*, “父慈, 子孝, 兄良, 弟弟, 夫義, 婦聽, 長惠, 幼順, 君仁, 臣忠, 十者謂之人義。”
- 67 – *Duan’s Commentary*, quoted in *EDCL* 7:740.
- 68 – *Book of Decorum*, “Function of Decorum”: “仁者, 義之本也。”
- 69 – For a recent study on the importance of *gantong* in early Confucian thinking in the context of the *Great Learning*, see Huaiyu Wang, “On *Ge Wu*,” pp. 210–212, 216–222.
- 70 – See note 27 above for my qualification for the translation of *dao* as “truth.” My present translation of *de* as truth calls for some further justification. Although it is common to translate *de* as virtue and morality, such an interpretation does not seem to make much sense in this specific context. The etymology of *de* is quite complicated and requires further study. I believe there is a strong indication that the oldest meanings of *de* have much to do with spiritual power or forces (e.g., in this very context, the word *de* is used in alignment with the “blooming animus” of the five elements of nature). I am thus appropriating one of the oldest meanings of *de*: what is endowed, acquired, that is, the gift (*de* 得) of divine spirit that instills and fosters the enactment of human life. Also, I take the meaning of the word “truth” here to be the unconcealment, or the clearing and unfolding of the way. In contrast to

Plato and Aristotle, who define truth in terms of rational ideas and who understand virtue and truth basically as an attunement or conformity to the order of the divine ideal or pattern, the Chinese *de* indicates a truth of human life in the flourishing and development of our natural gift or endowment, in living and opening a way of life under the shelter of sky and earth. The meaning of both *dao* and *de* as the way of the human, hence, points to an intersection with the primordial meaning of truth as *aletheia* or unconcealment. It is interesting to note in this context that, when talking about the truth of Zen Buddhism, Suzuki, although unawares, echoes this sense of truth in Confucian moral practice nicely: “In fact, the truth of Zen is the truth of life, and life means to live, to move, to act, not merely to reflect. Is it not the most natural thing in the world for Zen, therefore, that its development should be toward acting or rather living its truth instead of demonstrating or illustrating it in words; that is to say, with ideas?” (Daisetz Teitaro Suzuki, *Essays in Zen Buddhism*, 1st series [New York: Grove Press, 1961], p. 299).

71 – Ibid. 故人者，其天地之德，陰陽之交，鬼神之會，五行之秀氣也。

72 – Some scholars may argue that Xun Zi is an exception to this statement on the priority of human emotion over norms and rules. But I believe that Xun Zi is well aligned with early Confucian teachings despite some of his rhetorical distance from and disparagement of Mencius and other followers of Confucian teaching. Xun Zi indeed stresses the normative structure of rites, but laws and norms remain merely instrumental for him. In this context, we need note especially Xun Zi’s emphasis on the function of music as the great harmony between heaven and earth and the eternal principle of *human heart and affection*. So while the rites and rules of decorum conform to the earth, the music really corresponds to heaven (see Xun Zi, “Yuelun”). For a distinction and comparison between Mencius and Xun Zi, see, for example Kung-chuan Hsiao, *A History of Chinese Political Thought*, trans. F. W. Mote (Princeton, NJ: Princeton University Press, 1979), pt. 1, chap. 3. Note especially section 5 on *Li* (Rites), where Hsiao, after elaborating certain differences between Xun Zi’s and Mencius’ teachings and Xun Zi’s close relation to the Legalist school, points out nonetheless his “fundamental points of difference from the Legalists. The Legalists lean toward the concept of the ruler as the principal element of government, whereas Hsün Tzu did not abandon the ideal that the people are of paramount importance. For Hsün Tzu’s principal reason for elevating the ruler was that the ruler had important responsibilities and duties.” Hsiao then quotes a number of passages from Xun Zi as evidence and concludes that they “constitute full proof that Hsün Tzu is correctly to be regarded as an important further development within the Confucian tradition” (ibid., pp. 193–194). See also my discussion of Legalist and Confucian political teachings and their differences with Greek political thought, at the beginning of the last section of this essay, especially a quote from the *Xun Zi* in that context (see note 130).

- 73 – *Mencius* 2.1.6.
- 74 – *Ibid.*, 6.1.6.
- 75 – *Book of Decorum*, “Function of Decorum”: “人者，天地之心也。”
- 76 – *Duan’s Commentary*: “誼，義古今字，周時作誼，漢時作義，皆今仁義字也。… 今俗分別為恩誼字，乃野說也” (quoted in *EDCL* 8:1021).
- 77 – *Zhuang Zi*, *Si Bu Bei Yao* ed. (1965), “The Way of Heaven”: “孔子曰：‘中心物愷，兼愛無私，此仁義之情也。’ 宣穎注：‘與物同樂。’”
- 78 – See for example, *History of Han*, *Si Bu Bei Yao* ed. (1965), “Biography of Su Wu” 蘇武傳：“武罵律曰：女為人臣，不顧恩義”；*Yutai Yinyong* 玉臺新詠, *Si Bu Bei Yao* ed. (1965), 1, “古詩為焦仲卿妻作”：“吾已失恩義，會不相從許，” “今日違情義，恐此事非奇”；*Xixiangji* 西廂記，張君瑞害相思：“將人的義海恩山，作了遠水遙岑” (quoted in *EDCL* 6:747). Cf. *History of Three Kingdoms* 三國志, *Si Bu Bei Yao* ed. (1965), *History of Wei* 魏志, “Biography of Zang Hong” 臧洪傳, “義不背親，忠不違君”；*History of Shu* 蜀志, “Biographies of Guan, Zhang, Ma, Huang, and Zhao” 關張馬黃趙傳：“先主與二人寢則同床，恩若兄弟… 羽歎曰：吾極知曹公待我厚，然吾受劉將軍厚恩，誓以共死，不可背之。… 曹公義之”；and *Cao Zhi* 曹植, “For Ding Yi” 贈丁儀, in *Wen Xuan* 文選, *Si Bu Bei Yao* ed. (1965), XIV: “子其寧爾心，親交義不薄。”
- 79 – *The Book of Poetry*, “Flowering Almond” 常棣: “常棣之華，鄂不韡韡。” 箋：“喻弟以敬事兄，兄以榮覆弟，恩義之顯亦韡韡然。”
- 80 – *Shuo Yuan* 說苑, “Zhengli” 政理, *Si Bu Bei Yao* ed. (1965), 112: “武王問於太公… 治國之道，愛民而已… 此治國之道，使民之義也。” Notably, *Zheng Xuan’s Commentary on the Analects* (1:5) quotes the passage above but changes the character *yi* 義 into *yi* 誼. This may be evidence again for how commonly these two characters were used interchangeably in the ancient Chinese classics (Zheng Xuan and Liu Baonan, *Lunyu Zhengyi [Analects]*, *Si Bu Bei Yao* ed. [1965]).
- 81 – *Ban Gu* 班固, “Youtongfu” 幽通賦, in *Wen Xuan* 文選, *Si Bu Bei Yao* ed. (1965), 14, “舍生取誼，以道用兮。”
- 82 – *Analects* 論語, *Si Bu Bei Yao* ed. (1965), 15:9. Cf. *Zhengxuan’s Commentary*: “志士者，孟子滕文公篇：‘志士不忘在溝壑。’ 趙岐注：‘志士，守義者也。’”
- 83 – *Sima Qian*, *History*, *Si Bu Bei Yao* ed. (1965), “Biographies of Assassins.”
- 84 – *Mencius* 1.1.7.
- 85 – *Ibid.*, 1.2.4.
- 86 – *Ibid.*, 4.1.9.
- 87 – *Ibid.*, 7.1.1. I would like to note a subtle implication of the tone of the original Chinese text that may be lost in the translation. As I see it, this sentence indicates a path of practice through which one may continuously engage oneself

in a process of self-cultivation for appropriating the way of heaven. It does not mean to be a philosophical statement or proposition affirming some abstract knowledge of heaven by “knowing” one’s nature. In other words, the point is to urge a way of practice, not to establish a method for theoretical knowledge. What is implied in this passage can be paraphrased as follows: “If only one may bring out one’s heart to the full, one should know his nature; if only one may know his nature, one should know heaven.” There is thus no contradiction in saying that on the one hand one can know the way of heaven, but on the other the way of heaven is inscrutable and unpredictable. For what Mencius is indicating is not a rigid logical argument, but a continuous process of moral practice, only through which one may expect to discern and discover the inscrutable way of heaven through the hearts of the people.

- 88 – Ibid., 5.1.5.
- 89 – Ibid., 6.1.4. The debate between Mencius and Gao Zi about the internal and the external has been controversial. Arthur Waley, A. C. Graham, Chad Hansen, D. C. Lau, and Kwong-loi Shun all touch on the issue from different perspectives. For a more recent contribution, see Kim-Chong Chong, “Mengzi and Gaozi on Nei and Wai,” in *Mencius: Contexts and Interpretations*, ed. Alan K. L. Chan (Honolulu: University of Hawai’i Press, 2002), pp. 103–125. While I cannot elaborate on this issue in more detail here, I believe Mencius’ point is both clear and consistent. In addition, Zhu Xi’s and Zhao Qi’s commentaries have also made Mencius’ argument more concrete and intelligible. It is regrettable that recent scholarly debates have made little resort to these valuable commentaries.
- 90 – *Mencius* 6.1.6.
- 91 – Chung-ying Cheng, “On Yi as a Universal Principle,” pp. 270 ff.
- 92 – Hall and Ames, *Thinking Through Confucius*, p. 102.
- 93 – Sima Qian, *History*, “Book of Decorum.”
- 94 – *Book of Decorum*, “Book of Music.”
- 95 – *Mencius* 4.2.11. Cf. 4.2.12; 4.1.17.
- 96 – Ibid., 4.1.17.
- 97 – Ibid., 4.2.11.
- 98 – *Gongyang’s Commentary on the Spring and Autumn Annals*, “The Eleventh Year of Duke Huan,” quoted in Qian Zhongshu 錢鍾書, 管錐編 (Collection of fragmentary insights), 2nd ed. (Beijing: Zhonghua Shuju 中華書局, 1986), 1:207.
- 99 – *Analects* 9:30.
- 100 – Jiao Xun’s remarks are quoted in Zheng Xuan and Liu Baonan’s *Commentary on Analects* 9:30.

- 101 – “The Doctrine of the Mean,” in *Book of Decorum*, “君子之中庸也，君子而時中；小人之反中庸也，小人而無忌憚也。” Cf. 楊時，龜山集，1，“... 中庸曰：‘君子而時中，’ 蓋所謂權也” (quoted in Qian Zhongshu, *Collection of Fragmentary Insights*, 1:208. Zhu Xi’s commentary in *A Collection of Commentaries on the Four Books*, in *Si Bu Bei Yao* ed. (1965), “Doctrine of the Mean”: “A noble person knows the decision of the mean lies in the self, so that he approaches what he does not see with caution and holds what he does not hear in awe. As a result, time and again he is able to hit the mean. A common person does not know this. Thus, he indulges himself with reckless and unbridled behavior, without any scruples and restraints.”
- 102 – *Gongyang’s Commentary*, quoted in Qian Zhongshu, *Collection of Fragmentary Insights*, 1:207.
- 103 – Qian Zhongshu, *Collection of Fragmentary Insights*, 1:209. Qian mentions Plato’s remarks about usable twists and distortions (*la fausseté utilisable*) in *La République*, II.382, *Oeuvres complètes de Platon*, Bibliothèque de la Pléiade, 1:933–934. Cf. W. B. Stanford, *The Ulysses Theme*, 20: “the medicinal lie” and *Ambiguity in Greek Literature*, 12. Both are quoted in Qian, *Collection of Fragmentary Insights*, 1:209.
- 104 – Aristotle *Ethica Nichomachea*, trans. W. D. Ross (London: Oxford University Press, 1925), 1106b35–a3.
- 105 – John Burnet, *The Ethics of Aristotle* (New York: Arno Press, 1900; reprint, 1973), pp. 72–73 n. 12.
- 106 – *Ibid.*, p. 70.
- 107 – Aristotle *Nichomachean Ethics*, Loeb Classical Library (1934), 1106b20–23.
- 108 – Cf. Heidegger, *Plato’s Sophist*, trans. Richard Rojcewicz and André Schuwer (Bloomington: Indiana University Press, 1997), p. 35.
- 109 – For a more detailed elaboration of Aristotle’s doctrine of the mean on the basis of the understanding of the mean as a formal and final cause, see Huaiyu Wang, “*Mesotēs, Energeia, and Alētheia: Discovering an Ariadne’s Thread through Aristotle’s Moral and Natural Philosophy*,” *Epoché* 11 (2) (2007): 409–420.
- 110 – Qian refers also to the rule of casuistry (*Collection of Fragmentary Insights*, 1:209), which was especially popular with the Jesuits during the first half of the seventeenth century and which provokes much debate in contemporary practical ethics. I cannot address this issue in detail here. But it seems that in the West, the general tendency in the discourse of casuistry is to find a way back to the universal rule of moral norms, while in early Confucian thinking there is a clear emphasis on the supreme importance of crossing the limits of moral norms and principles. See for example, Charles F. D’Arch, B.D., *A Short Study of Ethics* (London: Macmillan, 1895), p. 218:

Is help to be sought in casuistry? The answer must be a decided negative . . . the very fact that they take the form of rules for the breaking of rules makes them liable to become a means of self-deception. They tend to habituate the mind to the violation of the law. . . . [R]ules of casuistry are much more likely to lead to error, if applied generally, than any set of moral laws could be. . . . There is, then, no help to be had in systematic casuistry. There is, however, a rule which, though it is as general as any practical rule can be, has its application to every case, no matter how complicated. And that rule is ethical principle itself.

- 111 – Liu Xie, *New Essays*, “Clarification of the Meanings of Quan,” quoted in Zheng Xuan and Liu Baonan’s commentary on the *Analects*.
- 112 – Wang Bi’s remarks are quoted in Zheng Xuan and Liu Baonan’s commentary on the *Analects*.
- 113 – Dong Zhongshu, *Chunqiu Fanlu*, “Zhulin,” quoted in Zheng Xuan and Liu Baonan’s commentary on the *Analects*. Cf. “Yuying,” quoted in Qian Zhongshu, *Collection of Fragmentary Insights*, p. 207.
- 114 – *Mencius* 7.1.26.
- 115 – It is interesting to note also the role of *quan* in the ancient Chinese art of war. D. C. Lau and Roger Ames offered a careful elaboration of its importance in *Sunzi Bingfa*. See Sun Bin, *The Art of Warfare*, trans. with introd. and commentary by D. C. Lau and Roger T. Ames (New York: State University of New York Press, 2003), pp. 64–67. Cf. Qian Zhongshu, *Collection of Fragmentary Insights*, 1:355–356.
- 116 – *Analects* 6:22.
- 117 – For the importance and implications of the jointure of “the fourfold,” see my elaboration in note 48.
- 118 – *Book of History*, “Da Yu Mo”: “大禹謨.”
- 119 – *Book of History*, “Yaodian.”
- 120 – Ma Rong’s comments can be found in Sun Xinyan, 尚書今古文注疏 (Notes and commentaries on contemporary and ancient versions of the Book of History) (Beijing: Zhonghua Shuju, 2004), “Yaodian,” p. 28.
- 121 – *History of the Eastern Han*, “Biography of Zheng Xin” (quoted in Sun Xinyan, *Notes and Commentaries*, “Yaodian,” p. 28).
- 122 – See *Book of History*, “Yaodian”: “四罪而天下咸服.” Cf. Sun Xinyan, *Notes and Commentaries*, p. 57.
- 123 – Wilhelm, *I Ching*, “Ta Chuan” (Great treatise), p. 297; translation modified.
- 124 – *Mencius* 3.2.9.
- 125 – *Ibid.*, 6.2.4.
- 126 – Aristotle, *Nicomachean Ethics*, Loeb Classical Library (1934), 1134b1.

- 127 – *Book of Decorum*, “Doctrine of the Mean.”
- 128 – *Analects* 15.29.
- 129 – Wilhelm, *I Ching*, p. 349; translation modified.
- 130 – *Xun Zi*, “Jun Dao.”
- 131 – For an overview of Legalism in Pre-Qin China, especially a careful evaluation of its advantages and disadvantages in comparison with Confucianism, see Liang Qichao 梁啟超, *先秦政治思想史* (History of pre-Qin political thought) (Beijing: Oriental Press 東方出版社, 1996), pp. 167–196, esp. pp. 189 ff.
- 132 – *Mencius* 5.1.1.
- 133 – “Greek culture first assumed its classical form in the polis, or city-state. . . . [T]he Greek polis is the first example of what we call that state. . . . The center of gravity of Greek life lies in the polis. It is the polis which includes and defines every form of social and intellectual activity” (Werner Jaeger, *Archaic Greece: The Mind of Athens*, vol. 1 of *Paideia: the Ideals of Greek Culture*, 2nd ed., trans. Gilbert Highet [New York: Oxford University Press, 1965], pp. 77–78).
- 134 – Aristotle *Nicomachean Ethics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes, vol. 2, 1179b10–12.
- 135 – Aristotle, *ibid.*, 1179b28.
- 136 – *Ibid.*, 1180a20–25.
- 137 – Aristotle *Metaphysics*, trans. Hippocrates G. Apostle (Grinnell: Peripatetic Press, 1979), 1074b34. Cf. *Metaphysics*, Loeb Classical Library (1933).
- 138 – *Book of Decorum*, “The Great Learning”; my translation.
- 139 – For the justification of this line of interpretation, see Huaiyu Wang, “On *Ge Wu*,” pp. 210–212.
- 140 – *Book of Changes*, “The Great Commentary.” Cf. Wilhelm, *I Ching*, p. 315.
- 141 – For an interesting discussion of moral connoisseurship in Mencius from the perspective of some contemporary Western models of moral connoisseurship, see Eric L. Hutton, “Moral Connoisseurship in Mengzi,” in *Essays on the Moral Philosophy of Mengzi*, ed. Xiusheng Liu and Philip J. Ivanhoe (Indianapolis and Cambridge: Hackett, 2002), pp. 163–186.
- 142 – *Analects* 4:16.
- 143 – *Mencius* 3.2.2.
- 144 – *Ibid.*, 6.1.11.
- 145 – *Ibid.*, 4.2.12.
- 146 – *Analects* 7.16.

- 147 – *Mencius* 6.2.8.
- 148 – *Ibid.*, 7.1.6.
- 149 – *Ibid.*, 6.1.16.
- 150 – *Ibid.*, 4.2.5.
- 151 – Cf. *ibid.*, 5.2.9.
- 152 – *Ibid.*, 4.1.1.
- 153 – *Ibid.*, 1.2.8. Cf. 4.1.1.
- 154 – *Ibid.*, 7.2.14.
- 155 – *Lao Zi* 2.
- 156 – Aristotle *Nicomachean Ethics* 1095a15.
- 157 – See, for example, *Lao Zi* 40.
- 158 – Heraclitus, *Fragments*, trans. T. M. Robinson (Toronto, Buffalo, and London: University of Toronto Press, 1987), Fragment 44: “[For he said,] the people should fight on behalf of the law as [they would] for [their] city-wall.”
- 159 – Liang Qichao, *History of Pre-Qin Political Thought*, p. 248.
- 160 – Roger T. Ames, *The Art of Rulership: A Study in Ancient Chinese Political Thought* (Honolulu: University of Hawai’i Press, 1983), p. 29.
- 161 – Cf. *Zhuang Zi*, “Sky and Earth”: “無為為之之謂天.”
- 162 – *Book of History*, “Hong Fan.”
- 163 – Wilhelm, *I Ching*, p. 316; translation modified. Cf. *Lao Zi* 49: “A Sage does not have his heart set upon any determinate purposes and preferences, but takes the hearts of the people as his own heart.”
- 164 – *Mencius* 1.2.4.
- 165 – *Ibid.*, 4.2.24.
- 166 – *Ibid.*, 6.1.2.
- 167 – *Ibid.*, 6.2.2. Mencius’ assertion that it is possible for anyone to become a sage offers us a new perspective in understanding the subtle meanings and implications of sageship in Confucian thinking. Some scholars might think the Confucian emphasis on the leadership of a sage, who alone is capable of the highest wisdom of *quan* and the supreme moral connoisseurship, may be suggesting a kind of elitism. In my opinion, the Western concept of elitism, which is intimately related to the prerogative of the Greek aristocracy as the ruling class chosen by virtue of their divine gift of reason, is not congruous with Confucianism. The Chinese word “sage” is not a title that means to establish and fortify a ruling class in opposition to the common people. It is not a means for verifying and magnifying social and political dichotomies. Rather,

it is an honorable name for the encouragement and promotion of a general and open process of moral cultivation. A Chinese sage, thus, is not one who is “chosen” or who is “perfect” in meeting some preestablished divine norms and standards. Sagehood is acclamation for those who are perspicacious enough to discover and disclose new sites of peace and harmony for human living, who are patient and reverent enough to engage themselves incessantly in a *lifelong process* of moral practice with care and sincerity. By affirming that it is possible for anyone to become a sage, Mencius’ teaching promises a social and political organization that sponsors a dynamic movement between different social and political classes and strata. Not only is it not elitism, but it provides a vital alternative to some inevitable difficulties and the violence implicated in the Western theories and practice of elitism.

168 – Philip J. Ivanhoe, *Ethics in the Confucian Tradition: The Thought of Mengzi and Wang Yangming*, 2nd ed. (Indianapolis and Cambridge: Hackett, 2002), p. 109.

169 – *Mencius* 2.2.9.

170 – *Ibid.*, 7.1.35.

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